ACKNOWLEDGEMENT

Crown Copyright documents reproduced by courtesy of The National Archives, London, England.

www.nationalarchives.gov.uk

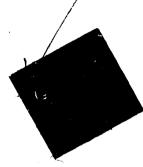
The National Archives give no warranty as to the accuracy, completeness or fitness for the purpose of the information provided.

Images may be used only for purposes of research, private study or education. Applications for any other use should be made to The National Archives Image Library, Kew, Richmond, Surrey TW9 4DU.

EASTER

F.O. 371

1947



PALESTINE

FILE NO. 451

pp. 7297 - 8128

COPYRIGHT OF THE PUBLIC RECRD OFFICE, LONDON

Reference: FO 371 61877

CLOSED UNTIL 1978

PUBLIC RECORD OFFICE

Group. Fo.....

Class...37/

Piecé 6/877.

Following document(s) retained in the

Department of origin under Section 3 (4)

of the Public Records Act, 1958

E7297/951/31

E 7405

PALESTINE

Registry \(\tau\) 7405/95-1/31.

TELEGRAM FROM

No. W Bufour Dated Evanhington

Received A420, in Registry

Last Paper.

7571

References.

(Print.)

8) Kr. Trafforde Sint 11) C.O.

(Action

Brook-Grody Projectals for unscol. Refer #061 7657 (E6997/917/31) 41 / fact conster Let a copy of where proposals should de mode acadalle it insour sit shop of perdent stook of an part finds that their very tolk that we tend in the part bean part bean part bean part bean only tolk the part bean only tolk the first with first will obey

Sopried W Mr. Trafferd Smith, C.a.

The condition stated at the end

7 para. 4 is grute unacuptable. Otherwise ? their we can agree.

Dreft to Witon.

my weter

32003 F.O.P.

Cypher/OTP

DEPARTMENTAL NO.1

FROM WASHINGTON TO FOREIGN OFFICE

Mr. Balfour

D.3.16 p.m. 12th August, 1947.

No.4420

12th August, 1947. R.9.20 p.m. 12th August, 1947. Repeated to U.K. Delegation New York

вввв

IMMEDIATE Confidential

Your telegram No.7657.

Brook-Grady proposals for United Nations Committee on Palestine.

State Department has now replied with regrets for delay due to number of authorities involved here.

- 2. Reply states that United States Government consider that a copy of these proposals should be made that appendices should mediately plant believes include map and other information essential to an understanding of proposals. Omission of appendices might in addition create impression among members of Special Committee that British and United States Governments had something to conceal.
- Special Committee should be permitted to include text of proposals in its report to the General Assembly. Questions concerning these proposals will undoubtedly be raised during September Sessions of the United Nations and their publication in the Special Committee's report represents a convenient means of making them known.
- 4. United States Government wish particularly to stress that these opinions are contingent on its being made clear to the Special Committee that the Brock-Grady proposals have at no time in the past been accepted by the United States Government and that they are not (repeat not) considered as acceptable to the United States Government at the present time.
- 5. State Department have added orally that if above views are acceptable to you, they would be grateful for advance information to this effect before proposals are actually handed to Special Committee. Reason for this is that to avoid possible criticism later on State Department must arrange for removal of Top Secret classification before the document is passed on.

AUG AUG SE

COPYRIGHT OF THE PUBLIC REIRD OFFICE, LONDON

1 2 3 % 5 6 Reference: FO 371 61877

/They

They essure us that this formality can be carried out very repidly and we would inform you by immediate telegram when it is completed.

[Copy sent to Middle East Secretariat]

COPYRIGHT OF THE PUBLIC RECRO OFFICE, LONDON

| 1 2 3 4 5 6 | Reference:- FO 171 61877

Registry No. E 7405/951/31

Draft.

Top-Secreti- Confidential.

Telegram. Washington

(Date) aug 15

Repeat to :-

U.K. Del, News Ynd 26.

C.O. concer.

H-13. 14/8

Cypher.

Distribution :— Repth. no. 1

Copies to: C.O.

OUT FAX Immed into

bon fid intial Your telegram no. 4420 Documents for United Nations bommitter on Palestine.

We can accept the conditions stipulated of the United States foremment with the exception of that contained in the rape is words of your paragraph 4.

2. We han repeatedly stated VM 15/8 that we shall do nothing to influence the mind of the bommittee It is therefor quite impossible for us to inform them that one of the solutions they may be examining is "not considered as acceptable to the United States / Government

formment at the prosent time.

Such an amnouncement would himself carry great weight with the deligates.

how it could be reconciled with Marshall's statement, pasted in your Chancery letter no. 15/237/47 of the 2 not August, that "until ruch time as the special committee has completed its task... no statement should be made by this faverment with respect to its views regarding the gettern states and government of Palestini.

4. In presenting the Brook-brady hepest to the bommittee in should

OTHING TO BE VRITTEN IN THIS M.

Registry No.

Top Secret. Secret. Confidential. Restricted.

Draft.

of course explain that it was not accepted of the United States formment when it was submitted 5. - 9 th 5 Kate Depart ment age to drop this condition, please ask them to complete their

purch

quishly as possible.

us that they have done so as

Doopy send to 17.8. Secretamat)

No. E 7405/951/31.

Confidential.

Cypher/OTP.

DEPARTMENTAL NO. 1.

FROM FOREIGN OFFICE TO WASHINGTON.

No. 8197.

D. 3.55 p.m. 15th August 1947.

15th August 1947.

Repeated to: U.K. Delegation, New York, No. 2626.

W:W:W:W:W

IMMEDIATE.

CONFIDENTIAL.

Your telegram No. 4420.

Documents for United Nations Committee on Palestine.

We can accept the conditions stipulated by the United States Government with the exception of that contained in the last 16 words of your paragraph 4.

- 2. We have repeatedly stated that we shall do nothing to influence the mind of the Committee. It is therefore quite impossible for us to inform them that one of the solutions they may be examining is "not considered as acceptable to the United States Government at the present time". Such an announcement would obviously carry great weight with the delegates.
- 3. Nor do we understand how it could be reconciled with Marshall's statement, reported in your Chancery letter No.15/237/47 of the 2nd August, that "until such time as the special committee has completed its task... no statement should be made by this Government with respect to its views regarding the future status and government of Palestine".
- 4. In presenting the Brook-Grady Report to the Committee we should of course explain that it was not accepted by the United States Government when it was submitted to them.
- 5. If the State Department agree to drop this condition, please ask them to complete their formalities and inform us that they have done so as quickly as possible.

[Copy sent to Middle East Secretariat.]

COPYRIGHT OF THE PUBLIC REIRD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

7422 socret.

GENEVA.

8th August, 1947.

4. /

The Chairman said yesterday that he had circulated to the members of the Committee the note of 30th July regarding evidence by the Mandatory Power and that since, subsequently, none of them had raised the matter again he proposed to drop his proposal that a senior representative of H.M.G. should visit Geneva.

2. He also said that he had mentioned in Committee his suggestion that the British Minister at Amman should be asked to come and have informal discussions with them but that, since some of the members thought that such a visit might be interpreted by the public as a sign of advocacy by the Committee of a particular solution, he thought it best to drop this proposal also.

vinced that the Mufti's campaign of abuse against him in the Egyptian and Palestine Press was designed to prepare the ground for a favourable reception by the Arab public of an attempt to bump him off. These were the Mufti's usual tactics. Nevertheless, he was sticking to his plan to fly to Palestine from Geneva on 26th August for a visit of about three weeks before proceeding to Iray and other Arab countries. He did not think that it would be possible for him to get back to Washington in time for the General Assembly's discussions in October.

Trafford Smith, Maq., Colonial Office, London. S.W.l. COPYRIGHT OF THE PUBLIC RECRD OFFICE, LONDON

Reference: FO 371 61877

Six A. Kinkhand

13.

- 2 -

4. Early this week some of the members of the Committee ex ressed disastisfaction as to the procedure being adopted by the Chairman; they suspected that he and the senior members of the Secretarist were attempting to draft the report in advance of any decisions by the Committee as to the lines which it should take; they were aware that Mohn had prepared thirteen different partition alternatives. On Monday. Hoo, Bunche and Robles, who had on this account been under criticism from some of the members, had it out with the Chairman and told him frankly that if the Secretariat were to be expected to complete the report before the end of the month they must have certain immediate agreed decisions as to the form and main lines on which to orest; that it was undesirable to attempt to keep the minds of the Committee open any longer and that frank discussion of the vital issues could not be further avoided. Chairman therefore convened a meeting on Tuesday Poten serinet shis repting he presented his own This was rejected and the members thereupon demanded that, before any further attempts at drafting were made, there should be informal discussions which would be attended only by the members of the Committee and two or three of the senior Secretarist staff; Bir Abdur Rahman in particular was adamant that no records of these discussions should be kept; members, he said, should not be committed by anything they said and might wish, as the discussions proceeded, to change their minds ten or more times. This proposal was accepted and the informal discussions began forthwith; they have now been proceeding norming and afternoon since Tuesday and are to continue at 9 a.m. this morning in an effort to conclude then before Hood's sub-committee leaves for the L. . camps this efternoon. I do not yet know

COPYRIGHT OF THE PUBLIC RE(RD OFFICE, LONDON

Reference: TO 371 61877

- 3 -

what has transpired, but Lisicky told me yesterday

morning that the whole of cednesday was taken up in argument over the origins and meaning of the Mandate and that/only conclusions reached were (1) that the Mandate could not continue and (2) that it should be replaced by a form or forms of Covernment which would give independence to the people of Palestine at the earliest possible moment. He said that these principles had been approved unanimously and had given great satisfaction to all! It is perhaps, however, indicative of the way these talks are going that the Chairman asked me to meet him, Mohn, Vigier and Reedman at 6.30 last night for en informal talk during which they put, for two hours, a number of questions of fact which could only have relevance to a scheme of partition. One interesting fact that emerged from this talk was that the Jewish Agency has stated that it is not interested in the area which we call the Negeb but only in that part of the Beersheba subestablished the foothold (and which, incidentally, contains the areas where prospecting has shown that there may be oil in quantities meriting exploitation). Will you please let me have as soon as possible a reply by telegram to the proposals contained in my top secret letter No. 26 of 5th August as to the parts

5. Have you seen the full page "educational advertisement" in the New York Herald Tribune inserted by "The Committee for Unity of the Nile Valley"? In case not, I enclose a copy.

of the 1944 questionmaire which should be made avail-

answers to a number of the questions which have been

able to the Committee. These parts contain the

FO 371 61877

6. /

the/

put to me.

13

6. It may be assumed that the report of the Committee will be too long to permit of its being telegraphed in full and that copies will not be received by me sufficiently long, if at all, in advance of publication to enable them to be sent by air mail to Palestine with a view to translation and publication in Arabic and Hebrew simultaneously with the English version. It is, however, clearly desirable that that part of the report which contains the recommendations, or at least an authorised summary of recommendations, should be available to the public in Palestine in Arabic and in Hebrew as soon as possible after, or simultaneously with, publication in English. I propose therefore to point this out to Hoo and the Chairman in due course and to ask that an authorised summary of recommendations may be given to me for transmission to the High Commissioner by cypher telegram at least 48 hours before publication of the report so that the Arabic and Hebrew versions may be prepared.

RECEIVED IN C.B.

1 3 AUG 1947

SENT TO DEPT.

D. C. Nac Gilling

Copy to Mr. Fox-Strangways. erence: **FO** 171 81877

NOTHING TO BE WRITTN IN THIS MARGIN.

H33.18/8

OUT FILE 21any

Dear hinkbride,

Thank you for your belograms
informing my your faddresses, in

you an invitation should arrive for

during a property in comertion with the

funcial formittee's addresses, from

funcial that the blairman has

abandoned his proposal to involve

your there, on account of the

opinion expressed by some members

of the bommittee that your

arrival might be misinterpolial

by the putting press, who would

furthers jump to prove who would

the hommittee conclusions about

the bommittee conclusions about

the bommittees in ten tions.

This does not seem to he a very strong argument, and it is not out of the question that the bommitten may change the mind.

But at present it looks as though you will not he disturbed on their account.

Yours ever 19/8
(Sqd.) Peter Ganan.
Par (C. W. Barter.)

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 171 61877

OUT FILE

PORRIGH OFFICE, 9.W.1.

(E 7422/951/31).

21st August, 1947.

O FIF IDENTIAL

Thank you for your letters informing me of your future addresses, in case an invitation should arrive for you to go to Geneva in connexion with the Palestine Committee's deliberations.

We have now heard from Geneva that the Chairman has abandoned his proposal to invite you there, of the Committee that your warregard by some members misinterpreted by the press, who would erhaps jump to conclusions about the Committee's intertions.

This does not seem to be a very strong argument, end it is not out of the question that the Committee may change their mind. But at present it looks as though you will not be disturbed on their account.

Yours over

(59d.) Peter Gaman.

fan (C.W. Baxter)

Sir Aleo Kirkbride, C.M.G., J.B.E., Manor House, Oxen Park. Wear Ulverston.

E

E 7486

PALESTINE

NUS 1847

Registry PHEC/13/31.

FROM PI (1 Hunt to No. Commonwalth Dated Relations.

1947

Dated Kelwhard

Received Office
in Registry / 4 lug

7422.

References

(Print)

(How disposed of)

Oft. M. Waint 14.0 ene from M'heeley Vorg. 20

larys. 1.0 Machinan
cm.
oug 21

(Action completed)

(Index)

Next Paper

E7496

Oblition at the actitude.

UK 11/6 office Conting Low heen appreciated by an of the members on the distance with regard to the findings of unscale Lubanth list of questions which would telp in riply.

(Minutes.

9 submit a draft which, if approved, could be sent under a covering letter 15 Mr. Twist. A copy is being sent to the C.O. for their comments.

Horaley 19/8 What to 18/8

19.8

COPYRIGHT OF THE PUBLIC RECOD OFFICE, LONDON

| 2 | 3 | 4 | 5 | 6 | Reference: FO | 171 | 61877

ROKUSKOESK.
Secret.
CKAROKAROKI.
PKAROKAROKI.
CKAROKAROKI.

Draft.

PALESTINE

Answers to Questions asked by the Australian Department of External Affairs.

No decisions have yet been taken by His Majesty's Government in the United Kingdom on the policy to be pursued in relation to Palestine after the United Nations have made recommendations on the future of that country. All that can be said with authority at the moment is:-

- (a) That the United Kingdom Government would be extremely reluctant to reject any recommendation;
- (b) That the United Kingdom Government are not committed to acceptance of Whatever the Assembly may recommend; and
- drawn a distinction between the acceptance of a recommendation, in the sense of not standing in the way of its application, and acceptance of the task of carrying it out. They have thus envisaged a situation in which they would wish to respond to the Assembly's recommendation by saying that they would not obstruct it but that it was not possible for them to give effect to it.

Beyond that point, nothing can be said which is not of a tentative character. The following, therefore, should be regarded as no more than a statement of some of the considerations by which Ministers will probably be affected when the time comes for them to reach a decision.

/ Question 1.

COPYRIGHT OF THE PUBLIC RECRD OFFICE, LONDON

Reference: FO 371 61877

NOTHING TO BE WRITTN IN THIS MARGIN.

quarters in this country in favour of leaving Palestine, which is heightened by the economic crisis. In view of this fact, it would be difficult for the Government to resist a recommendation made by the United Nations for British withdrawal from Palestine. same time, their attitude to such a recommendation must depend to some extent on the nature of the administration to be substituted for the present British administration of Palestine. It is improbable that they would agree to withdrawal if the resulting situation would involve positive strategic risks in the Middle East. Withdrawal from Palestine would Question 2.

Question 1. There is a strong sentiment in many

immair the value of our strategic facilities in Transjordan and would increase the difficulty of defending Egypt in the event of war. Palestine in fact is the best position in which to defend this region against attack from the On the other hand, there are north. circumstances in which the retention of responsibility in Palestine by the United Kingdom would be a liability and not an asset from the strategic point of view. policy recommended by the United Nations were one which would be bitterly resented in the independent Arch States, agreement by the United Kingdom Government to carry it out might lose them the Arab goodwill upon which their position in the Middle East largely depends. Yes, if they were opposing it Question 3. See answers to 1 and 2 above. themselves. "Continuance of the Mandete" in the Question 4. literal sense would probably not be acceptable.

/Recommendation

NOTHING TO BE WRITTEN IN THIS MARGIN.

Reference: **FO** 371 61877

Recommendation of this course, however, is

Question 5. The effect of the present economic crisis on the wish to remain in Palestine has been indicated under 1 above. The effect on to administer Palestine is impossible to

to administer Palestine is impossible to calculate at present. Probably, however, it would not in itself be decisive.

Question 6. Ministers are not at present thinking in terms of a solution which they themselves would prefer. They will not judge the recommendations of the Assembly by comparing them with some ideal solution of their own. They will examine whatever settlement is recommended by the Assembly with a sincere desire to accept it unless there are absolutely overriding arguments against so doing. aim in referring the question to the United Nations was to extricate themselves from the impossible situation caused by the bankruptcy of the Mandate. The Mandate for Palestine contains no guidance as to the time and manner of its termination. By continuing to administer it, the United Kingdom Government

* 5 6 Reference: **FO** 371 81877

THING TO BE WRITEN IN THIS MARGIN,

Palestine from the Arabs. If on the other hand the, were to terminate the Mandate in favour of an independent Palestinian State, they would be putting an end to the development of the Jewish national home. They therefore decided, after the failure of the Conference held in London last Winter, that a time had come when they must as for the advice of an international authority upon the future course to be pursued in Palestine.

Registry No.

Secret.

Secret.

Confidential.

Restricted.

Draft.

I blue C in det form and

2 white C not in aft form
places

PALESTINE. 21

Australian Department of External Affairs.

No decisions have yet been taken by His

Majesty's Government in the United Kingdom on

the policy to be pursued in relation to Palestine
after the United Nations have made recommendations on the future of that country. All that

can be said with authority at the moment is:

(A) That the United Kingdom Government are not

committed to acceptance of whatever the Assembly

may recommend;

extremely reluctant to reject any recommendation;

drawn a distinction between the acceptance of a recommendation, in the sense of not standing in the way of its application, and acceptance of the task of carrying it out. They have thus envisaged a situation in which they would wish to respond to the Assembly's recommendation by saying that they would not obstruct it but that it was not possible for them to give effect to it.

Beyond that point, nothing can be said which is not of a tentative character. The following, therefore, should be regarded as no more than a statement of some of the circumstances in which Ministers will probably be affected when the time comes for them to reach a decision.

1. There

HBeeley 19/8 WM 18/8

re is a strong sentiment in/th country in favour of leaving Palestine, / In view of this fact, it would be difficult for the Government to resist a recommendation made by the United Nations for British withdrawal from Palestine. At the same time, their attitude to such a recommendation must depend to some extent on the nature of the administration to be substituted for the present British administration of Palestine. It is improbable that they would agree to withdrawal if the resulting situation would involve positive strategic risks in the Middle East.

Withdrawal from Palestine would impair the value of our strategic facilities in Transjordan and would increase the difficulty and war former in the event of war. On the other hand, there are circumstances in which the retention of the responsibility in Palestine by the United Kingdom would be a liability and not an asset from the strategic point of view. If the policy recommended by the United Nations were one which would be bitterly resented in the independent Arab States, agreement by the United Kingdom Government to carry it out might lose them the Arab goodwill upon which their position in the Middle East largely depends.

Yes, if they were opposing it themselves. See answers to 1. and 2. above.

" Continuance of the Mandate " in the literal sense would probably not be acceptable. Recommendation of this course, however, is also /

NOTHING

were to recommend a period of trusteeship under British administration, the fact would have to be faced that any terms of trusteeship would antagonise either the Arabs or the Jews or both. This in itself would not be sufficient to cause the rejection by the United Kingdom Government of an invitation to administer Palestine as a trust territory. In considering such an invitation, they would have in mind the considerations mentioned in 1. and 2. above.

5. The effect of the present economic crisis on the wish to remain in Palestine has been indicated under I shows who effect on the ability of the United Kingdom to continue to administer Palestine is impossible to calculate at present. Probably, however, it would not in itself be decisive.

6. Ministers are not at present thinking in terms of a solution which they themselves would prefer. They will not judge the recommendations of the Assembly by comparing them with some ideal solution of their own.

They will examine whatever settlement is recommended by the Assembly with a sincere desire to accept it unless there are absolutely overriding arguments against so doing. Their aim in referring the question to the United Nations was to extricate themselves from the impossible situation caused by the backruptcy of the /

COPYRIGHT OF THE PUBLIC REIRD OFFICE, LONDON

Reference: FO 371 61877

of the Mandate. The Mandate for Palestine contains no guidance as to the time and manner of its termination. By continuing to administer it, the United Kingdom Government are in fact helping the Jews to conquer Palestine from the Arabs. If on the other hand they were to terminate the Mandate in favour of an independent Palestingan State, they would be putting an end to the development of the Jewish national home. They therefore decided, after the failure of the Conference held in London last Winter, that a time had come when they must ask for the advice of an international authority upon the future course to be nursuad in Delectine

CHING TO BE WILLEN IN THIS MAKEIN.

Commonwealth Relations Office,

Downing Street.

14th August, 1947.

E 7486

Dear Beeley,

"e have received an enquiry from the United Kingdom High Commissioner's Office, Canberra, as a result of approaches made to them by a member of the Australian Department of External Affairs. This Department is interesting itself in the Palestine question and one of its members recently sought guidance from the United Kingdom High Commissioner's Office on a number of aspects of the United Kingdom attitude. following is a list of some of the questions which the discussion showed to be in his mind.

- (1) What would be the probable United Kingdom attitude if the Assembly recommended a Palestine! Kingdom withdrawal from
- What would be the effect of such a withdrawal on the British Commonwealth strategic position?
- Supposing a motion for the complete withdrawal were submitted to the Assembly would the United Kingdom want support in opposing it?
- What would be the United Kingdom attitude if the Assembly recommendation provided for a continuance of the Mandate under conditions which were likely to provoke violent opposition from the Jews or Arabs or both?

(5)

H. BEHLEY, ESQ. C.B.E. Fereign office.

- (5) What was likely to be the effect of the present economic crisis on the United Kingdom ability or wish to remain in Palestine?
- (6) In any event what was the solution which the United Kingdom Government would themselves prefer?

 In fact, what was their aim in bringing the matter before the United Nations?

These questions are a fairly tall order and you will no doubt sympathise with our representatives in Camberra in being asked to discuss the possible answers to this kind of question. You will realize, of course, that it is not our practice in general to supply United Kingdom High Commissioners in the Dominions with any quantity of information on aspects of our foreign policy over and above that supplied to Dominion Governments themselves, and that we have, so far, studiously avoided in D. telegrams up to date reference to the attitude which we are likely to adopt to possible Assembly recommendations, or the effects on ourselves possible decisions that would be open to us.

- 2. It was explained to the Australian official that it was difficult to produce a clear-cut picture of our final attitude until the report of the Special Committee was available and that, as is our custom, when we did reach a decision, we should consult all the Dominions through the usual channels. This reply, however, is felt to be not wholly satisfactory and we should like to give the Australians further immediate assistance.
- J. I realize that it is likely to be some time before we will be in a position to communicate officially to the Dominion Governments our general attitude on the main question which appears to underlie all the Australian enquiries, yet we are particularly anxious to assist the Australians, if only in a tentative kind of way. It has occurred to us that there may be in existence papers which have been prepared as provisional studies which, although they have not received Ministerial backing, or possibly even, Ministerial consideration, might, nevertheless, be given to the Australians at the working level, as an

indication

indication of the kind of consideration which we have in mind. If this could be done, and in this event it would be made clear that, whatever documents were communicated, they were in no way to be regarded as anything but working papers, we should have gone a long way, I think, towards meeting the Australian enquiries which, as I have already explained, we are particularly anxious to be able to do. Perhaps, if you feel yourself unable to act on my suggestions, you may be able to suggest other ways in which we can meet the request, and if, as is nossible, I have not put the nature of the enquiries sufficiently clearly to you, I should be glad to meet you to discuss the question.

at the Colonial Office.

Yours sincerely,

M. a. inni.

H.A. Twist.

bopy with enclosur lo

C.O.

No. E 7486 951 31

Top Secret.

Mr. Twisk,

C.R.O.

20ang.

Dear Twist, May 9 refer you to your letter og the 14 th August, passing on Palestine on a number of quest installable had been put to the High bommissioners Office in Contina & a member of the Austiclian supersomen , E. T. med A Mains, adding that you wished to and solving what there we wished to help the High bommissioners Office to deal with this enquiry. 9 not melon a note, in the form of answers to the six questions in your letter,

The note has been seen by the bolonial office who approve of its terms.

9 am sending Mathieson a copy of this letter with its indosure.

H-13.

(Sqd.) H. Beeley.

OUT FILE

MIRION DEPLOY, D.V.1.

20th August, 1947.

(E 7486/951/1/31)

Dear Twiet,

May I refer you to your letter of the 14th
August, passing on a number of questions on
Polestine which had been put to the Migh Commissioner's
Office in Camberra by a member of the Australian
Department of External Affairs, and adding that you
wished to help the High Commissioner's office to
deal with this enquiry.

to the six questions in your letter, which I hope will be of use to you in replying to Camberra.

I am sonding Mathiosom a copy of Miss letter with its enclosure.

(Sed.) (II. Booley)

al a Swiger of the

H.A. Twist, Esq., Commonwealth Relations Office, 61877

操信,

61877

Color of the color of the state of the

Ref. 23.

MACS CARRY

Carl Coaga Coper

The work of the form of the

E 7496

6th August, 1947.

Enclosed with this letter are:-

Two copies of an English translation of the record published in Kol Ha'am of 21st July of an interview accorded to the paper's representative by Simic.

One copy of the Committee's invitation to the Arab States to give evidence and of each of the replies received. (I will send further copies when these are obtainable).

One copy of each of the memoranda received by the Committee while in Geneva from the following organisations. I have found the first two and the last worth reading:

- Representatives of the Central Committee of Liberated Jews in the U.S. Zone of Germany and other Committees representing displaced Jews in Europe.
- Federation of Jewish Religious Committees of Yugoslavia.
- Union of Italian Jewish Communities.
- (5) Council of the Jewish Communities of Bohemia, Moravia and Silesia.
- (6) The Board of Deputies of British Jews.
- (7) The Jewish Fellowship.

Two copies of the memorandum of 3rd July of the Greek Orthodox Patriarchate.

(e) Three copies/of the following verbatim records:-

(1) Verbatim record of the 36th meeting held on 19th July. (Representatives of the Government of Palestine .

(2) Varbatim record of the 38th meeting held on 22nd July. (Representatives of the Arab States).

Som.

Trafford Smith, Esq., Colonial Office, Downing Street, London. S.W.1.

The color of a license

187

KOL H

Beiru the s

AGLA : ponde

insis gates

the I

and w be fo refug

inter

Yugoe Yugos

some Warde

defer

Commu

Itali

unt1 Pres

Paris

in Co

offi

ent,

star

left

UNSCOP

KOL HA'AM (21.7.47)

This paper too publishes on its front page the Palcor message from Beirut concerning the Inquiry Committee (See translation in Mismaar of the same date).

Very similar to those we find in other Hebrew dailies. The correspondent of Kol Ha'am writes inter alia that before leaving for Beirut the Inquiry Committee faced the question of the visit to Transjordan insisted upon by King Abdallah. The objection that some of the delegates have to a visit to Transjordan is not due only to lack of time.

The Inquiry Committee will at the end of this week arrive in Geneva and will apparently discuss for several days the procedure which is to be followed in preparing the report. The demand to pay a visit to the refugee camps is still on the agenda of the Committee.

S. Paritzki, the Jerusalem correspondent of this paper has had an interview with the ingustar december.

The correspondent says inter alia that since 1923 Mr. Simitch, the Yugoslav delegate, was the President of the illegal Republican party in Yugoslavia. He was the President of the Legal Society and served for some time as a Judge, but owing to his views he was dismissed. He afterwards worked as an advocate and was famous throughout Yugoslavia for his defence of political prisoners, including members of the Centre of the Communist Party in Yugoslavia. When Yugoslavia was occupied by the Italian Fascists he was taken prisoner and was under detention in Italy until 1943. After the liberation of Yugoslavia he was elected as President of Yugoslav Parliament and attended the Peace Conference in Paris held last year as well as the inter-Parliamentary Congresses held in Copenhagen and Cairo.

I presented my questions to Mr. Simitch, continued the correspondent, and he answered them fluently and frankly. After we concluded the official interview he served me with coffee and a Yugoslav cigarette and started talking enthusiastically about Palestine, and Yugoslavia.

We were sitting together for nearly one and a half hours and when I left him wished him full success in his task. "We shall do our best

COPYRIGHT OF THE PUBLIC RECRO OFFICE, LONDON

| 1 2 3 * 5 6 | Reference: FO 171 61877

to help you", he said, "your problem affects us in no small measure".

Then follows a series of questions and answers.

Question: Do you think that Jewish-Arab cooperation is possible?

Answer: I think that any cooperation between human beings and nations is generally speaking possible if only there exists certain convenient conditions.

Question: Do you think that these preliminary conditions exist now in Palestine or that it is necessary to change present conditions?

Answer: I think that it is essential to bring about a fundamental change of the situation in which the two nations in your country are living, and I hope that cooperation will then be possible.

Question: Do you think that it is necessary first to do away with the intervention of the third party?

Answer: Yes, this is a preliminary condition for Jewish-Arab cooperation.

Question: What is your view? Is it necessary to establish the whole of the palestine problem in a just way?

Answer: No. I do not agree to the establishment of either a Jewish or Arab state in the whole of Palestine.

Question: Do you regard partition as a good solution to the Palestine problem?

Answer: Partition is a policy of despair, and I am not a desperate person. The Germans call such a policy "Catastrophen-politik".

Question: What is your view on the bi-national solution?

Answer: Such a solution would depend on the economic and political conditions at this historical stage of development in the world.

Question: Do you think that the abrogation of the Mandate without evacuating the foreign troops from the country would in any way be helpful in attaining the independence of Palestine?

Answer: The abrogation of the Mandate without evacuating the troops from the country would be useless. The army serves as an instrument of the Mandate.

Question: /

COPYRIGHT OF THE PUBLIC RECRD OFFICE, LONDON

| 1 2 3 * 5 6 | Reference: - 6 17 1 6 1877

solui

Jewi

must

Pale

Pale

Jewi

that

OI

of

Pel

arr

wel

pow

UNO

res

pro

of

Question: Do you think that the Jewish problem could find its solution through immigration?

Answer: There is a Jewish problem here in Palestine and a Jewish problem in the world. I do not think that the Jewish problem could be solved by immigration.

question: Don't you think that the problem of displaced Jews must be solved through an international arrangement?

Answer: Yes. I know of two problems: The problem of Palestine and that of displaced Jews.

Question: What is in your opinion the value of raising the Palestine problem before the United Nations?

Jewish people, as the problem is now recognised as an international one. There is dependence between all international problems and that means that the Jewish problem, as it is not only the problem of the Jewish people but of all the nations of the world.

Question: Do you believe that at the present time and in view of the present international relations a just solution of the Pelestine problem could be found by the United Nations?

Answer: I am a partisan fighter of a new international arrangement and cooperation between all nations. I am demanding that UNO have the moral and political power to solve this question as well as many other questions. We are striving to give UNO this power.

Question: Can you at this moment imagine what will be the results of your work?

Answer: It is difficult to say now, but I hope that UNO will prove an important factor in international life and help the nations of the world to attain a better future.

COPYRIGHT OF THE PUBLIC RECED OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO | 11 61877

Greek Orthodox Patriarchate Jerusalem, Palestine

SECRETARIAT P.O.B. 493 3rd July, 1947.

No. 456

The Principal Secretary,
United Nations Special Committee on Palestine,
Jerusalem, Palestine

Dear Sir,

I have the honour to enclose herewith a memorandum addressed to the Honourable Chairman and members of the United Nations Special Committee on Palestine, and signed by the Rt. Rev. Archbishop of Sebastia Athinagoras, Patriarchal Representative.

I shall be grateful if you would be good enough as to submit this memorandum to the Honourable Chairman and members of the communication and the communica

With best wishes, I remain,

Yours faithfully,

(sgd.) Archimandrite Palladios CHIEF SECRETARY

The Honourable Chairman and Members of the United Nations Special Committee on Palestine, Jerusalem.

Dear Sirs,

I have the honour on behalf of the Greek Orthodox Patriarch of Jerusalem, Sir Timotheus Themelis, to state the following:-

- 2. The Greek Orthodox Patriarchate of Jerusalem begs to state that as a Religious Institution it does not wish to interfere in the political matters, constituting the main subject of inquiry of your Honourable Committee.
- 3. The Greek Orthodox Patriarchate deems it its duty to ask for a definite and explicit provision in the report to be prepared by Your Honourable Committee for the safeguarding and protection of its rights, privileges and interests as well as assuring the future of its spiritual flock in Palestine.
- Being the most ancient and significant Religious Institution in Palestine, and established in the Holy City of Jerusalem, the cradle of Christianity for almost sixteen centuries, the Greek Orthodox Patriarchate considers as its foremost duty to guard, maintain and serve the Holy Places through the Greek Monastic Brotherhood of the Holy Sepulchre, existing ab inition therein.
- Our Patriarchate consider it an incumbent duty upon them to request that their most ancient rights over the Holy Places, and the existing at present "STATUS QUO" relevant to these Sacred Shrines, which has been recognized and confirmed by many official orders and interwell as protected and safeguarded under any future political system in Palestine, as our rights and the "Status Quo" have so far been maintained integral by the Christian Mandatory Power in the administration of this country.
- Being the owner of many Holy Shrines, Monasteries and Churches all over Palestine, a concise list of which is attached hereto, the Greek Orthodox Patriarchate provides for the maintenance of Archbishoprics, Monasteries and Religious Superiors in the principal towns of Palestine, as well as parish Churches in all towns and villages, subject to the Patriarchal Throne of Jerusalem, and pays the expenses required for the erection of new Churches as well as the salaries of parish priests.
- 7. Furthermore, the Greek Orthodox Patriarchate carries out a significant educational task by maintaining a mixed College and a High School for girls in Jerusalem. Similarly, primary schools for boys and girls or mixed schools are maintained in every central town and village of Palestine and Transjordan inhabited by sufficient number of Orthodox Christians. All students attending these Schools of the Patriarchate are gratuitous students.
- 8. In addition, social and relief activities are carried out in a large scale and provision is made for the many requirements of the poor and needy among the spiritual flock of the Patriarchate, as this is attested by the number of patients treated gratis and by the number of pilgrims and refugees accommodated in the Hospices and Monasteries of the Patriarchate.
- 9. In the fulfilment of its high and multifarious mission, the Greek Orthodox Patriarchate of Jerusalem enjoys full independence as to the

/administration of

administration of its internal affairs, and is exempted from all taxes as well as from custom dues for all the various articles for its ecclesiastical, educational and charitable institutions.

- Inheriting the fortune of the deceased members of the Monastic Brotherhood of the Holy Sepulchre, and being owner of urban and rural properties practically in every town and village of Palestine the Greek Orthodox Patriarchate uses the revenues thus derived to cover the expenses required for the maintenance of the Holy Places and to carry out its religious, educational, social and relief activities.
- Enjoying many other rights and privileges, based on a long series of high orders of the Caliphs and Sultans and on other Governmental decrees, which are renewed from time to time by the issue of the High Berat to any newly elected Patriarch, as happened at the time of the election of His Beatitude the present Patriarch Sir Timotheus Themelis, the Greek Orthodox Patriarchate repeats its request for the full recognition and proper protection of all its existing rights, privileges and interests.

With best wishes and the assurance of my distinguished consideration, I remain,

Yours faithfully,

Jerusalem 3rd July, 1947. (sgd.) Archbishop of Sebastia Athenagoras Patriarchal Representative

Institutions of the Greek Orthodox Patriarchate

of Jerusalem in Palestine

The Greek Orthodox Patriarchate of Jerusalem (or the Brotherhood of the Holy Sepulchre), the ancient Order of "Spoudaei", is since the 4th century A.D. the guardian of the undermentioned Holy Places in Palestine.

I. JERUSALEM

- 1) Church of the Holy Sepulchre (enclosing the Holy Sepulchre of our Lord and Saviour, Mt. Calvary (Golgotha), and many other Sacred Shrines)
- The Central Convent of Saints Constantine and Helena where His Beatitude the Greek Orthodox Patriarch of Jerusalem resides with the Holy Synod (the administrative body of the Church of Jerusalem), and the Brotherhood of the Holy Sepulchre The buildings of the Patriarchate, its Printing Press, and Central College adjoin the Central Convent.
- and of the 40 Martyrs).
- 4) Monastery of Abraham
- 5) " " Gethsemane
- 6) " " St. John Baptist
- 7) " " the B. Virgin Mary (a nunnery)
- 8) " " St. George (Jewish Quarter)
- 9) " " St. Theodoros
- 10) " " St. Bassil (nunnery)
- " St. George (Near Lat. Convent)
- 12) " " the Archangels
- 13) " " St Katherine
- 14) " " the B Virgin Mary (Saydanay, a nunnery)
- 15) " St. Efthymios (nunnery)
- 16) " " St Spyridon
- 17) " " St Charalambos
- 18) " " St Nicolas
- 19) " " Praetorium
- 20) " " St. Nicodemos

COPYRIGHT OF THE PUBLIC RECTO OFFICE, LONDON

Reference: FO 171 61877

.

- 21) " " St. Anna . . .
- 22) " " Church of St. Panteleimon
- 23) Church of St. Dimitrios

II. Monasteries and Churches

around Jerusalem

- 1) Gethsemane, a Church enclosing the Holy Edicule of B.V.Mary
- 2) Monastery of St Stephens
- 3) " Viri Galilaei (Mt. of Olives)
- 4) " " Bethfage
- 5) " " Bethany
- 6) " " St Onouphrios
- 7) " " St Modestos
- 8) " " St. Simon (Katamon)
- 9) " " the Holy Cross
- 10) " " Mar Elias
- 11) " " St. Theodossios
- 12) " " St. Sabba
- " St. George (El-Khader village)
- 14) Church of St. George (Nikephoria)
- 15) Shrine of the Ascension (Mt. of Olives)

III. JORDAN VALLEY

- 1) Monastery of St George (Khoziva)
- 2) " " St Gerassimos
- 3) " " St. John
- 4) " " the Temptation (Quarantana)
- 5) " " St. Eliash (Jericho)
- 6) Chapel of the Baptism (on the Western Bank of the River Jordan)
- 7) Bethabara (on the Eastern Bank of the River Jordan)

COPYRIGHT OF THE PUBLIC REGRO OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

IV

Basilica of the Nativity (enclosing the Holy Grotto) BETHLEHEM the Monastery of Bethlehem Church of Shepherds BEIT SAHOUR BEIT JALLA Church of B.V. Mary " St. Nicolas " St. Michael AIN KAREM Church of St. John RAMALLAH Monastery of Ramallah Church of St George " Ain Arik " Jifna

" " About.
" Tayibeh

GAZA Monastery of Gaza

Church of St. Porphyrios

" Bir Zeit

Church of Bersheba

<u>JΛFFΛ</u> Monastery of Jaffa

Church of St. George

Church of St. George (at the Cemetery)

LYDDA Monastery of Lydda

Church of St. George

RAMLEH Monastery of Ramleh

Church of St. George

NABLUS Monastery and Church of Jacob's Well

Church of Nablus

Church of Byrquin

" Nsf-Jibeil

" "Zababdeh

•

Church of Tul-Karem

" " Jenin

" " Bissan.

Monastery and Church of Mt. Thabor (Church of the Transfiguration)

NAZARETH

Monastery of Nazareth

Church of the Annunciation

" " Precipice

" " Synagogue

" Jiaffa

" " Mujaidal

" Ma'alul -

" Reneh

" Kefr Kannah

" Touran

i analara

" " Ailaboun

TIBERIAS

Monastery of Tiberias

Church of the Apostles

Church and Monastery of Capernaum

ACRE

Monastery of Acre

Church of St. George

Kufr Yassif

Abu Senan

" Jubaidah

' Makr

" Birweh

" Aballin

" Safa Amer

Sha!ab

" Sakhnin

Church of Al-Bama

- " Raimeh
- " Pkeah
- " Kufr Sma'a
- " Tarsheha
- " Bassa

HAΙΓΛ Monastery of Haifa

Church of Mar Elias

CAESAREA Monastery and ancient Church at Caesarea

V

Educational Activities

Schools

and a High School for girls in Jerusalem. Similarly in every central town and village of Palestine and Transjordan, inhabited by sufficient number of Orthodox Christians, there are primary schools for boys and for girls or mixed schools maintained by the Patriarchate. All students attending the Schools of the Patriarchate are gratuitous students.

VI

Social and Relief Work

- 1) The beds in the Hospital of Jerusalem owing to economic reasons were reduced during the war.
- 2) Many poor out-patients are treated gratis at the special clinic of the Patriarchate.
- Relief work is carried out by the Greek Orthodox Patriarchate of Jerusalem in various forms according to the means at their disposal.

44

4) A very large number of pilgrims and refugees are accommodated gratis in the Hospices and Monasteries of the Patriarchate.

VII

Properties of the Patriarchate.

The Greek Orthodox Patriarchate of Jerusalam owns urban and rural properties practically in every central town and village of Palestine.

The revenues derived from these properties are used to cover the expenses for:-

- 1) The maintenance of the Holy Places
- 2) The religious activities of the Patriarchate
- 3) Educational purposes
- 4) Social and Relief work

In every central town of Palestine there are either Patriarchal Representatives or Religious Superiors to whom the administration of the affairs of the Patriarchate is entrusted as well as the religious services of the spiritual flock.

Jerusalem, 3rd July, 1947.

45 E 7498 17.7 16 AUS 1:47 PALECTIAL Registry F7498/951/31. Seew list of document of meeting FROM

No. 4.0. Whinut. Reld on the 60 con the 24 Keely to

No. Chircust entand winh relating to the

Dated Dated a. NSCOP. Received in Registry / (lug 1947) Last Paper (Minutes.) 7496 743.29 References (Print)(How disposed of) (Action completed) Next Paper

32538

75-03

E 7498

1 Enter

NOTE

16 200 1847

A meeting was held in Mr. Martin's room in the Colonial Office on the 24th July to discuss certain points relating to the United Nations Special Committee on Palestine. The following were present:

Foreign Office:

Mr. H.R. Wright Mr. I.P. Garran Mr. H. Beeley.

Colonial Office:

Mr. J. M. Martin Mr. Trafford Smith Mr. W. A. C. Mathieson.

Mr. Martin suggested that the first point for discussion might be reports from Palestine that the Chairman of the Committee was anxious to obtain from a representative of H.M.G. at Geneva "underground" evidence on the problems implicit in partition of Palestine. proposal might be described as an attempt to induce a representative of H.M.G. to collaborate in preparing the While we should be ready to supply Committee's report. such factual information as the Committee might require on the implications of any scheme they were considering, and indeed Sir. A. Cadogan had said at the Special Assembly that H.M.G. would give all possible information to any Committee set up to study the Palestine problem, we would be in an extremely false position if we went any further We must avoid the possibility of any imputation that the Report of the Committee had been framed in accordance with views expressed to them privately by to give any factual information required in behalf or M.M.G. and would exert such influence as might be necessary to ensure that any scheme produced by the Committee was as closely related to the realities in Palestine as possible. In regard to another point on which the Chairman had indicated that he might require information, namely, the origin and scope of the Mandate, it would appear possible that some special representative of H.M.G. would have to go to Geneva to give evidence.

preparing a paper on the scope and origin of the Mandate which could be used as a brief for any representative of H.M.G. who might go to Geneva or might alternatively be used as a document for transmission to the Committee through Mr. MacGillivray.

It was generally agreed that H.M.G. could go no further than supply to the Committee such factual information as it might request. It was also agreed that the "Study of Partition" might be presented confidentially to the whole Committee by Mr. MacGillivray, Who should, in so doing, reiterate the caution he had already given to the Swedish Alternate, when giving him a copy of the study privately, that although the document presented in detail the difficulties of various partition proposals it was not to be assumed that in presenting it H.M.G. wished to be taken as either for or against such a solution. With regard to the Cabinet Committee document embodying the replies of the then High Commissioner to a questionnaire on partition submitted to him, it was ogreed that this was unsuitable for present tion to the Committee as it stood, and that the "Study of Partition" probably contained all the information which the Committee might need. The use of the Cabinet Committee document would, however, be discussed with Mr. FacGillivray when he arrived.

Alr. Martin

COPYRIGHT OF THE PUBLIC REDRO OFFICE, LONDON

| 1 2 3 * 5 6 | Reference: FO 371 61877

Mr. Nartin then turned to the second point for discussion, namely, the suggestion in Mr. Beeley's letter of the 19th July that, in making certain reservations at the Special Assembly regarding the acceptance of any conclusions reached on Palestine by the United Nations, we had reserved to ourselves the power of veto, and that if we failed to exercise that power we should be attacked by either or both communities in the event of the solution • being not to their liking.

Mr. Beeley stated that in referring to the right of veto he did not have in mind H.M.G's undertaking that they would administer Palestine under the terms of the Mandate until some other arrangement had been agreed between the United Nations and the Mandatory Power. He was referring rather to the declaration made by Sr. A. Cadogan at the Special Assembly in the Spring where he said "if they (the United Mations) can find a just solution which would be accepted by both parties it can hardly be expected that we should not welcome such a solution". Both Arabs and Jews would infer from this remark that we reserve to ourselves the right to resist any solution not accepted by both parties. When the Committee's recommendations were made known the party or parties who were hostile to them would come to us and ask us to refuse to accept them on the basis of our declaration at the Special Assembly. Tr. Martin pointed out that the only explicit reservation which we hade made at the Special Assembly was to reserve to ourselves the right to refuse the sole responsibility for enforcing a solution not acceptable to both parties or one which we could not reconcile with our conscience. It was also intended, though not expressed, that we would reserve the right to refuse to enforce a solution, the implementation of which was beyond our resources. He felt hations agreed to a particular solution which we did not think an outrage against either community in Palestine, we could not but accept it.

Mr. Wright agreed that in point of fact, H. J.G. was bound to accept any solution which was adopted by the General Assembly of the United Nations. The Foreign Office point was that, although this was so, we had given the impression to the parties to the controversy that we had reserved to ourselves the right to refuse a solution not acceptable to both sides. Mr. Martin said that he was sure any solution would fail to satisfy both sides in varying degree.

Mr. Martin referred to Mr. Beeley's point in his letter that a high level decision would be necessary before we could take any steps which might give the Committee the impression that, if they recommended partition, we would certainly carry it through. He felt sure that the Secretary of State for the Colonies had no wish to give the Committee such an impression. In advance of receiving the Committee's report, it would be impossible, on a basis of past Cabinet discussions, for any representative of H.M. d. to appear before the Committee and tell them what sort of arrangements for the future of Palestine would be acceptable to H.M.G. He asked, however, if the Foreign Office ruled out partition as a tenable solution. Fr. Wright said that in the Foreign Office view, H.M.G. could not oppose any decision of the General Assembly, but on the question of assuming responsibility for implementing such a decision the position was very different. He suggested that the probable course of events would be as follows:

- (a) H. T. G. would learn the nature of the Committee's recommendations;
- the British delegation at the General Assembly could express H.M.G.'s views on the recommendations, endeavour to obtain the support of other nations for H.M.G. s views,



and vote according to those views;

- (c) once the Assembly decision had been given, H.M.G. could not stand in the way of its implementation;
- (d) on the question of carrying it out themselves, they could, however, at the General Assembly go so far as to refuse to have anything to do with it.

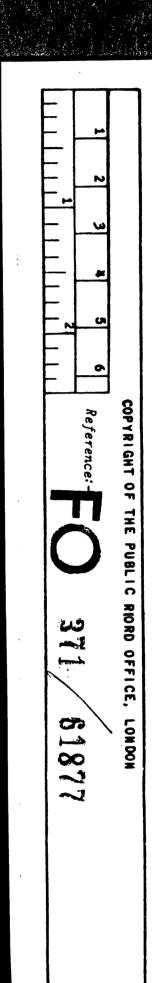
This view was generally accepted and points were made that:

- (a) the Committee Would probably put forward either a majority view or several proposals for consideration by the General Assembly;
- (b) when the Committee's report was received, H.M.G. would have to take quick and definite decisions on it;
- U.K. delegation must be prepared to exert their influence with other delegations at the General Assembly to preserve as far as possible, in the light of the Committee's recommendations, lasting British interests in Palestine;
- (d) that H.M.C.'s view on the Committee's recommendations would not be formulated in time to enable our representatives at Latin-American capitals to influence the brief given to those countries' representatives to the United Nations; but that it might be useful to endeavour to have a supplementary brief sent from their Governments to these representatives in a sense

wright suggested that it would be timely for the two departments to produce a paper embodying an agreed estimate of the consequences which might flow from the 4 obvious possible recommendations which could be made by the Committee. They were:

- (a) Palestine as a unitary independent state;
- (b) the partition of Palestine;
- (c) international trusteeship;
- (d) British trusteeship.

The paper should examine our attitude to these 4 alternatives from the point of view of their acceptability and from the point of view of our acceptance of responsibility for implementing them. The military implications of the 4 alternatives would also have to be examined and the Chiefs of Staffs' views obtained. It was agreed that Mr. Beeley and Mr. Trafford Smith would cooperate in the production of such a paper, but that as far as the Foreign Office were concerned, priority would be given to an analysis of the scope and origin of the Mandate.



No.....709 (400/11/47) 50

His Majesty's Ambassador presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit herewith cop is of the undermentioned paper.

Z

British Embassy, Cairo. 7534

13th August 19 47

WF 547

Reference to previous communication:

Jerusalem telegram No. 95 O.T.P. to Cairo dated 7th August 1947, repeated to you, No. 189 Saving.

Description of Enclosure.

Name, Date, etc.

Subject.

EXTRACT FROM "LE PROGRES EGIPTIEN",

11th August 1947.

371 618

(21106) Wt.8573/807 5,000 4/42 A.& E.W.Ltd. Gp.685

"Le Progres Egyptien": 11th August, 1947.

"NOUS NE CRAIGNONS PAS LES ARMÉES JUIVES"

déclare M. Emile El-Ghoury

Le membre du Comité Supérier Arabe a avoué n'avoir aucun espoir quant aux résultats de l'enquête de la Commission de l'O.N.U.

Le Caire. 10. (A.P.) - M. Emile El Ghoury, membre du Comité Supérieur Arabe de Palestine, a déclaré aujourd'hui au correspondant de l'Associated Press qu'il ne nourrissait aucun espoir quant aux résultats des travaux de la Commission d'Enquête des Nations Unies.

Le correspondant lui ayant demandé d'exprimer le point de vue arabe concernant le terrorisme juif, M. El Ghoury a déclaré:

"Nous n'avons rien à voir avec lui à moins qu'il ne menace nos intérêts et notre vie. Nous estimons que le terrorisme est criminel et destiné à influencer le gouvernement britannique.

"Nous ne craignons pas le terrorisme ou ce que les viendra, les Juifs sauront que les les Lorsque le moment peuple courageux et audacieux."

Revenant à la Commission d'Enquête, it a dit que celle-ci a prouvé être partiale, justifiant ainsi le boycottage du Comité Supérieur Arabe. Ces soi-disant visites dans les camps des personnes déplacées en Europe prouvent a-t-il ajouté, que cette Commission lie le problème palestinien à la question des réfugiés.

"Nous espérons encore"

"Toutefois, a poursuivi M. El Ghoury, en dépit du fait que nous N'avons aucun espoir quant à un rapport favorable de la part de la Commission d'Enquête, nous espérons cependant que les Nations Unies réaliseront les demandes des Arabes de Palestine au cours de la prochaine réunion, en septembre. Mais si les Nations Unies soutiennent les demandes juives, leur décision n'aura aucun effet sur nous. Elle sera au contraire un nouveau stimulant pour la poursuite de notre lutte que nous mènerons armés d'un nouvel esprit et d'une foi plus profonde.

Les Arabes de Palestine sont déterminés à poursuivre la lutte pour la réalisation de l'indépendance du pays et le maintien de l'arabisme. Ils ne comptent dans leur lutte que sur leurs propres forces et sur l'aide de leurs frères arabes."

M. El Ghoury a déclaré que le Comité Supérieur Arabe décide en ce moment qui le représentera à la prochaine session de l'UNO, en septembre.

L'attitude/

COPYRIGHT OF THE PUBLIC RERO OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

L'attitude des Arabes à l'O.N.U.

Interrogé sur l'attitude des Arabes de Palestine à cette session, it a répondu:

"Nous agirons avec les autres délégations arabes en vue de défendre nos revendications.

"Le Comité Supérieur Arabe rejette toute immigration juive quels que soient le nombre ou la période. Le peuple de Palestine refuse jusqu'à maintenant de reconnaître la déclaration Balfour et le mandat. Ceci veut dire qu'il ne reconnaît pas l'immigration juive en Palestine qui eut lieu après 1918."

COPYRIGHT OF THE PUBLIC REIRD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

"Le Progres Egyptien": 11th August, 1947.

"NOUS NE CRAIGNONS PAS LES ARMÉES JUIVES"

déclare M. Emile El-Ghoury

Le membre du Comité Supérier Arabe a avoué n'avoir aucun espoir quant aux résultats de l'enquête de la Commission de l'O.N.U.

Le Caire. 10. (A.P.) - M. Emile El Ghoury, membre du Comité Supérieur Arabe de Palestine, a déclaré aujourd'hui au correspondant de l'Associated Press qu'il ne nourrissait aucun espoir quant aux résultats des travaux de la Commission d'Enquête des Nations Unies.

Le correspondant lui ayant demandé d'exprimer le point de vue arabe concernant le terrorisme juif, M. El Ghoury a déclaré:

"Nous n'avons rien à voir avec lui à moins qu'il ne menace nos intérêts et notre vie. Nous estimons que le terrorisme est criminel et destiné à influencer le gouvernement britannique.

"Nous ne craignons pas le terrorisme ou ce que les peuples courageux et audacieux."

Revenant à la Commission d'Enquête, it a dit que celle-ci a prouvé être partiale, justifiant ainsi le boycottage du Comité Supérieur Arabe. Ces soi disant visites dans les camps des personnes déplacées en Europe prouvent a-t-il ajouté, que cette Commission lie le problème palestinien à la question des réfugiés.

"Nous espérons encore"

"Toutefois, a poursuivi M. El Ghoury, en dépit du fait que nous N'avons aucun espoir quant à un rapport favorable de la part de la Commission d'Enquête, nous espérons cependant que les Nations Unies réaliseront les demandes des Arabes de l'alestine au cours de la prochaine réunion, en septembre. Mais si les Nations Unies soutiennent les demandes juives, leur décision n'aura aucun effet sur nous. Elle sera au contraire un nouveau stimulant pour la poursuite de notre lutte que neus mènerons armés d'un nouvel esprit ét d'une foi plus profonde.

Les Arabes de Palestine sont déterminés à poursuivre la lutte pour la réalisation de l'indépendance du pays et le maintien de l'arabisme. Ils ne comptent dans leur lutte que sur leurs propres forces et sur l'aide de leurs frères arabes."

M. El Ghoury a déclaré que le Comité Supérieur Arabe décide en ce moment qui le représentera à la prochaine session de l'UNO, en septembre. COPYRIGHT OF THE PUBLIC RE(RD OFFICE, LONDON

Reference:-FO 371 61877

L'attitude/

L'attitude des Arabes à 1 °C.N.U.

Interrogé sur l'attitude des Arabes de Palestine à cette session, it a répondu:

"Nous agirons avec les autres délégations arabes en vue de défendre nos revendications.

"Le Comité Supérieur Arabe rejette toute immigration juives quels que soient le nombre ou la période. Le peuple de Palestine refuse jusqu'è maintenant de reconnaître la déclaration Balfour et le mandat. Ceci veut dire qu'il ne reconnaît pas l'immigration juive en Palestine qui eut lieu après 1918."

COPYRIGHT OF THE PUBLIC RE(RD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

61877

British Embassy,

E 7549

Bagdad.

512/85/47

11th August, 1947.

MIS 1:47

Dear Department,

E5597/951/2

In Bagdad despatch No.215 of the 18th June was enclosed a copy of a note received from the Iraqi Ministry of Foreign Affairs on the subject of Palestine.

Dr. Jamali told Mr. Busk on August 7th that the American Ambassador had shown him the text of a note which he has been instructed to address to the Iraqi Government in reply to the parallel note sent by the Iraqis to the U.S. Embassy.

The U.S. reply was to the effect that no responsibility for the Palestine situation was admitted by the U.S.Government.

Dr. Jamali said that he had told Mr. Wadsworth that this was nonsense, and had cited press reports immigrant ships in the U.S.A.

This conversation had taken place several days before his conversation with Mr.Busk and Dr.Jamali was wondering, since the Note had not yet arrived, whether Mr.Wadsworth was asking the State Department for instructions not to send it in. If the Note did arrive Dr.Jamali said he did not propose to reply to it officially.

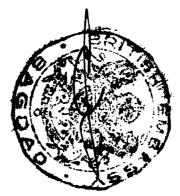
Yours ever,

Chancery.

Eastern Department,

Foreign Office,

London, S.W.1.



COPYRIGHT OF THE PUBLIC RECOD OFFICE, LONDON

1 2 3 & 5 6 Reference: FO 71 61877

COPYRIGHT OF THE PUBLIC RECED OFFICE, LONDON

| 1 2 9 4 5 6 | Reference: FO 71 61877

Continued to UNSCOP by the Tologon the publication Government of Relative

"Postures of Tresperoy Legislation in Pulestine"

Contract tool to the United Retirus (pecial)

Consultion on Calentine on Desiring of Consulting of Calentine (Consult)

Jest sh Community of Calentine (Consult)

L. 7654

The Emergency regulations are undoubled. As 1947 form, nevers. They were enacted in 1936-7 to meet the state of emergency arising from an outbreak of political lawlessmess, at that time of the part of the trabe, in following. They would undoubtedly be repealed if all political parties in Felestine showed that they were prepared to accept the rule of law.

Their severity should not, however, be judged on their form slone. As so frequently happens with such legislation, it is the memmer in high it is addinated that reveals most closely its effect on the life of the people.

of the war and tree years of very active Jewish to rerism, only 7 men have been executed for offences against
the pargency equivations, whilst two men condemoed under
these Regulations consisted animide on the eve of their
execution. This, notwithstanding that a far larger
number of people have been apprehensed, charged, tried
and co-victed of offences for which the full pensity
by with the coestalties suffered as a result of various
outrages. During the year of 1946 alone no less than
77 members of the security forces were killed and 180
wounded. In the same period 119 civilians were killed

lation in Telestine" is undoubtedly designed to heighten the impression of severity, and in doing so it has slipped into ease misstatements and more distortion. Properly to understand the desclations they must be read as a shole. There is probably little to be gained by going in detail into each of the isolated allegations sade in the peoplet. In so far as these allegations sade in the peoplet. In so far as these allegations sade in the peoplet. In a far as these allegations sade in the peoplet. In a far as these allegations sade in the peoplet. In a far as these allegations sade in the people hardness or unfairness, further enquiry will show that they are unfounded.

provisions of the Defence (Managency) legilations which permit a military communder to detain a person without bringing him to trial.

tained with great relactance by the Covernment, but it must be appreciated that the ordinary processes of trial and conviction are based on the acception that witnesses will be free to come forward and give their testimony truthfully and fearlesaly sithout danger to themselves. There sections of the population in pursuit of a political programs have ensured that information will be withheld and where witnesses, as a result of infinitesistion and assaudination, cannot or will not give testimony as to what they have been or heard, the cosmitted requisitor of a trial have been resoved.

Actively to support or possibely to telerate conduct which ensures that the ordinary process of information, testimony, trial and conviction will not function in heavy cases and then to complete that in combetting political terrorism Government has not confined itself to that process, reveals an attitude that meds no comment.

Care has been taken by the Covernment to ensure that detained persons will have an opportunity of knowing why they are detained and of showing vhy their detention should cause. A former judge of the supreme Court has now been appointed as a whole-time official to be Chairman of the Advisory Committee for the purpose of hearing representations made by detained persons in this connection and for making recommendations to the military commender as to whether the detention should or should not be continued. It is the practice to accept and act upon such recommendations.

Again the statement on page 13 of the peophlet

"the judgment is final and unappealable and earnot be questioned anywhere (D.R.30). The only semblance of appeal is a petition by the convict to the Officer Commanding to very the judgment or sentence".

contrasts sharply with the statement on the opposite

"the execution was carried out although an appeal to the Frivy Council was then pending.."

Both these complaints can hardly be well founded. The facts as regards the alleged appeal were as follows: No appeal or any other application was ever made by any of the accused persons. The unals of one of them applied to the High Court for an order setting saids the judgment of the Military Court and staying the execution. His application was refused. He applied to the Migh Court for leave to appeal to the Frity Council. It was refused. He then applied to the Privy Council for special leave to appeal. It was refused, on the ground that he had no standing in the matter. Mr. Solach, the Mayor of Tel-AVIV, but who was not otherwise commerted with the condemned men, then applied to the High Court for a similar order. His application was refused on the ground that he had no standing in the matter. He applied to the High Court for leave temperal to the Privy Council against that refusal. This woplication was refused. He then intimated that he would apply for special leave to appeal to the Privy Council but deverment had no reason to believe that this application would meet with any enguer other than that which had been accorded to the first. The executions could hardly be contimusualy postponed whilst persons who were not parties to the proceedings, made applications which the courts had clearly shown they were not propared to entertain.

Registry Number **FROM**

Ma

Dated Received

in Registry

Last

Refe

(How d

(Action completed)

No

61877

7672

Next Paper

No.209/61/47
Ref No.K.D.U.N.
Tel. 2063 to Sist Floor New York 1, N. Y.

With the compliments of the AUG AUG

United Kingdom Delegation to the United Nations

Foreign Office London, S.W.1.

United Nations
Lake Success, N.Y.

1 August, 1947.

Sir

The United Nations Special Committee on Palestine, created by the resolution of the General Assembly, of 15 May 1947, has decided to send a Sub-committee consisting of ten members to visit assembly centres in Germany and Austria. Seven members of the Secretariat will be attached to the Sub-committee, and it is likely that a number of accredited journalists will accompany the Sub-Committee during its visit in those areas. In accordance with this decision of the Special Committee and with paragraph 8 of the General Assembly resolution which reads as follows:

*8. Requests the Secretary General to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Special Committee;"

I have the honour to request that you communicate with your Government as soon as possible, in view of the intended visit of the Sub-committee early next week, and ask that the Military Commander of the British zone in Germany and Austria be advised to afford full facilities to this Sub-Committee during its work in that area.

The names of the members of the Sub-committee, of the Secretariat and the accompanying journalists will be communicated directly to the Military Commander of the zone.

I have the honour to be,

Sir,

Your obedient Servant,

B. COHEN
Acting Secretary-General

The Right Honourable Sir Alexander Cadogan Permanent Representative of the United Kingdom.

OFFICE, 6187

United Nations Lake Success, N.Y.

1 August, 1947.

Sir

The United Nations Special Committee on Palestine, created by the resolution of the General Assembly, of 15 May 1947, has decided to send a Sub-committee consisting of ten members to visit assembly centres in Germany and Austria. Seven members of the Secretariat will be attached to the Sub-committee, and it is likely that a number of accredited journalists will accompany the Sub-Committee during its visit in those areas. In accordance with this decision of the Special Committee and with paragraph 8 of the General Assembly resolution which reads as follows:

*8. Requests the Secretary General to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or to appropriate staff to the Special Committee; and to assign

I have the honour to request that you communicate with your Government as soon as possible, in view of the intended visit of the Sub-Committee early next week, and ask that the Military Commander of the British zone in Germany and Austria be advised to afford full facilities to this Sub-Committee during its work in that area.

The names of the members of the Sub-committee, of the Secretariat and the accompanying journalists will be communicated directly to the Military Commander of the zone.

I have the honour to be,

Sir,

Your: obedient Servant,

B. COHEN
Acting Secretary-General

The Right Honourable Sir Alexander Cadogan Permanent Representative of the United Kingdom.

COPYRIGHT 61877

E 7695

Cypher/OTP

AUG PILES

FROM GENEVA TO FOREIGN OFFICE

(From United Kingdom Delegation)

No. 1325

D. 7.55 p.m. 19th August, 1947

19th August, 1947 R. 8.07 p.m. 19th August, 1947

uuuuu

SECRET

Following personal for High Commissioner for Palestine from MacGillivray.

[Begins]

While Sandstrom still expresses the hope, though with less conviction than formerly, that report will be signed on 1st September, Bunche and other senior members of the Secretariat consider that there is no chance of its completion much before 10th September. Discussions are still preceding on major issues and position has not yet been reached when drafting of main body of the report can begin. A sub-committee to examine religious interests has just been set up. set up.

C-----

Please repeat to Colonial Office for Martin.

[Copies sent to Telegraph Section Colonial Office for High Commissioner for Palestine and Martin].



E 57696

CYPHER/OTP

DEPARTMENTAL NO.1.

FROM WASHINGTON TO FOREIGN OFFICE

Mr. Balfour.
No. 4.590.

D: 10.00 p.m. 20th August, 1947.

20th August, 1947.

R: 1.35 a.m. 21st August, 1947.

Repeated to: U.K.Delegation New York, Saving.

IMMEDIATE

CONFIDENTIAL

E7405/91-1/20

Your telegram No. 8,197.

Documents for United Nations Committee on Palestine.

State Department have agreed to omission you requested and desire only that it may be made clear to the Special Committee that the Brook-Grady proposals were not (repeat not) accepted by the United States Government when they

Formalities for removal of "Top Secret" classification have also been completed and way is therefore now clear for the report and appendices to be handed over and used by the Special Committee in the manner agreed.



E 7725 AUS 1747 I

68

1947

FROM

Nó.

Winete Dated M' Beeley Received in Registry

Last Paper

76 96

References

(Print)

(How disposed of)

CINSCOP Report on Position

E7725/951/31. We have Tones (unercan Embarry Lord conversation)
with it foldwarm of tem Lagency who Land
wint returned from fenera and who stated
what unscop, were in substantial organisment an a projected for portition, guing the Tours the area surgared to them in the Reel report together with a part of the Northern Neget.

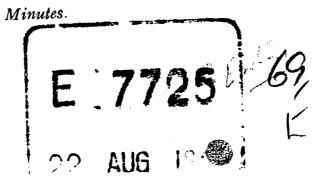
(Minutes.)

Le millim

(J. E. CABLE

61877

(Action completed) Next Paper



Mr. Lewis Jones. of the American Embassy, rang me up yesterday to tell me about the a conversation he had had with Dr. Nahum Goldmann of the Jewish Agency.

Dr. Goldmann, who had just come from Geneva, said that the United Nations Committee were in substantial agreement on a proposal for partition, giving the Jews the area assigned to them in the Peel Report, together with a part of the Beersheba sub-district (the Northern Negeb). They would propose a customs union between the two States. The task of bringing the new régime into operation was to be offered to a group of small "neutral" States.

might

Dr. Goldmann thought that the Committee would have completed and signed its recommendations by the end of this week. According to him, they would then telegraph. Secretariat to complete the drafting of the remainder of the Report.

H.Belly

20th August, 1947.

It remains it is seen which De foldman!

withmation is correct. I think me

most reach reports says with the

Committee is veering away from

Partition.

My 20/8

61877

CAIRO

No: 723 (1307/52/47)

withdrawn.

20th August, 1947. E 7842

Sir,

With reference to my printed despatch No.709 of 13th August regarding the activities of the Arab Higher Committee, I have the honour to send you the enclosed extract from the Egyptian Gazette of 15th August, containing a summary of a memorandum stated to have been submitted by the Arab Executive (sic) to all Arab States. According to this report, the Arab Executive now demands the formation of an independent Arab State in Palestine, and requests the Arab States to announce to the United Nations Organisation Commission on Palestine that previous proposals put forward by the Arabs at the London Conference for participation of both Arabs and Jews in an independent Palestinian State should now be

According to the Wafdist newspaper Sawt al Umma, the above-mentioned memorandum, signed by Haj Amin al Husseini and dated 17th July, 1947, was presented by the Palestine Arab Higher Committee to the Ministers of Foreign Affairs of Arab States during the meeting of those Ministers in Beirut with the United Nations Special Commission on Palestine.

I am sending copies of this despatch to His Excellency the High Commissioner for Palestine, His Majesty's Ambassador at Bagdad, His Majesty's Minister in Beirut, Damascus, Amman, and Jedda, and to the british Middle East Office.

> I have the honour to be, With the highest respect, Sir, Your most obedient, humble Servant,

pur Bowleen.

The Right Honourable Ernest Bevin, M.P., Foreign Office, LONDON, S.W.1.

Arabs claim sovereign rights in Palestine

FORMATION of an independent democratic Arab State in Palestine is now demanded by the Arab Executive, which has withdrawn its previous proposal for a joint Arab-Jewish Palestinian State.

This hardening of attitude is explained in a memorandum sent to all the Arab States as due to the increasing violence of the Zionists, "towards whom leniency is obviously a mistaken policy, since it is misunderstood."

"The Zionists have found," says the memorandum, "that the more intransigent the nearer they reach their goal, and now they are making the most extravagant demands"

most extravagant demands."
"Despite the fact that the Zionists in Palestine are merely foreigners, they have gone the length of demanding a Jewish State that would embrace Palestine and Transjordan," the memorandum goes on.

"The Arabs were calling simply for an independent Palestine State in which Arabs and Jews would participate on equal terms, and this was the proposal they made at the London Conference of 1946.

"The Zionists, on the other hand, have greater ambitions concerning Palestine, even to the extent of annexing other Arab States.

Proposals final

"But Palestine cannot be severed from the Arab world, and the only solution is an independent sovereign Arab State. Any scheme that would give satisfaction to the Zionists must be rejected."

The memorandum goes on to stress that the proposals made by the Arabs at the London Conference were final, and it was made clear that if they were not given due consideration they would be withdrawn.

The Arab States are asked to announce to the U.N.O. Commission on Palestine that, since these proposals have evidently not been considered, they are therefore withdrawn, and the Arab Executive now demands the formation of an Arab State.

The memorandum explains that Jews who were living in Palestine during the British mandate will be allowed to remain and will be invited to participate in the formation of the proposed new Arab State.

But all "intruders" who have entered Palestine against the will of the Arabs will be considered as "an alien Jewish community."

" -- CAIRO

No: 723 (1307/52/47) 20th August, 1947.

Sir,

With reference to my printed despatch No. 709 of 13th August regarding the activities of the Arab Higher Committee, I have the honour to send you the enclosed extract from the Egyptian Gazette of 15th August, containing a summary of a memorandum stated to have been submitted by the Arab Executive (sic) to all Arab States. According to this report, the Arab Executive now demands the formation of an independent Arab State in Palestine, and requests the Arab States to announce to the United Nations Organisation Commission on Palestine that previous proposals put forward by the Arabs at the London Conference for participation of both Arabs and Jews in an independent Palestinian State should now be withdrawn.

Paper Sawt al Umma, the above-mentioned memorandum, signed by Haj Amin al Husseini and dated 17th July, 1947, was presented by the Palestine Arab Higher Committee to the Ministers of Foreign Affairs of Arab States during the meeting of those Ministers in Beirut with the United Nations Special Commission on Palestine.

Jespatch to His Excellency the High Commissioner for Palestine, His Majesty's Ambassador at Bagdad, His Majesty's Ministers in Beirut, Damascus, Amman, and Jedda, and to the British Middle East Office.

I have the honour to be, With the highest respect, Sir, Your most obedient, humble Servant,

HALL LANDS SOWKER

The Right Honourable
Ernest Bevin, M.P.,
Foreign Office,
LONDON, S.W.1.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

Arabs claim sovereign rights in Palestine

FORMATION of an independent democratic Arab State in Palestine is now demanded by the Arab Executive, which has withdrawn its previous proposal for a joint Arab-Jewish Palestinian State.

This hardening of attitude is explained in a memorandum sent to all the Arab States as due to the increasing violence of the Zionists, "towards whom leniency is obviously a mistaken policy, since it is misunderstood."

"The Zionists have found," says the memorandum, "that the more intransigent the nearer they reach their goal, and now they are making the

most extravagant demands."
"Despite the fact that the Zionists in Palestine are merely foreigners, they have gone the length of demanding a Jewish State that would embrace Palestine and Transjordan," the memorandum goes on.

Palestine and Transjordan," the memorandum goes on.

"The Arabs were calling simply for an independent Palestine State in which Arabs and Jews would participate on equal terms, and this was the proposal they made at the London Conference of 1946,

"The Zionists, on the other hand, have greater ambitions concerning Palestine, even to the extent of annexing other Arab States.

Arab States.

Proposals final

"But Palestine cannot be severed from the Arab world, and the only solution is an independent sovereign Arab State. Any scheme that would give satisfaction to the Zionists must be rejected."

The memorandum goes on to stress that the proposals made by the Arabs at the London Conference were final, and it was made clear that if they were not given due consideration they would be withdrawn.

The Arab States are asked to announce to the U.N.O. Commission on Palestine that, since these proposals have evidently not been considered, they are therefore withdrawn, and the Arab Executive now demands the formation of an Arab State.

The memorandum explains that Jews who were living in Palestine during the British mandate will be allowed to remain and will be invited to participate in the formation of the proposed new Arab State, But all "intruders" who have

entered Palestine against the will of the Arabs will be considered as "an alien Jewish sidered as community."

61877

Mandali.		
Lrygue his		
stire of		
	4	
De		
CJ. E. CABLE)		•
18 Ang 27		
• •		•
		,

E 7861

(Minutes.)

OF THE PUBLIC RECORD OFFICE, LONDON 61877

(Action completed) (Index) Next Paper

78611

38538

239 No. (52/124/47) É 76

to the U.N.

HIS Majesty's Permanent Delegatest New York presents his compliments to H.M.P.S. of S. for F.A. and has the honour to transmit to him the under-mentioned documents.

..18th.August.., 194.7...

Reference to previous correspondence:

F.O. letter (E.6901/951/31) of 9th Aug. 1947

Description of Enclosure.

Name and Date.

Subject.

Letter from U.K. Del.

to U.N., dated

18th August, 1947.

Document on Palestine.

E.7861

グアー風幅

THE PUBLIC RECORD OFFICE, LONDON

No. 82 No. 52/124/47

18th August, 1947.

Sir,

I have the honour to forward to Your Excellency herewith a memorandum by His Majesty's Government in the United Kingdom entitled "Political History of Palestine under British Administration".

- This memorandum constitutes His Majesty's Government's account of their administration of the League of Nations mandate in Palestine, and is sent to you in accordance with the undertaking given in my note of 2nd April, in which I had the honour to request that the problem of Palestine should be placed on Agenda of the General Assembly at its next regular Session. I shall be grateful, therefore, if you will arrange for this document to be issued as an Assembly document in connexion with Item 21 of the Provisional Agenda of the Second Regular Session of the General Assembly, which was circulated on the 18th July last.
- andum has already been made available to the Special Committee on Palestine established by the Special Session of the General Assembly called at the request of the United Kingdom Government and which met on April 28th last. His Majesty's Government thought it advisable that the memorandum be communicated to the Special Committee since, as I had the honour to inform the Special Assembly, my Government wished to be entirely at the disposal of the Committee and to give it all information that it might require.

I have the honour to be

Sir,

Your Excellency's obedient servant,

His Excellency,
Monsieur Trygve Lie,
Secretary General
United Nations,
Lake Success.

THE PUBLIC RECORD OFFICE, LON DON 87

No. 52/124/47

18th Sugust, 1947.

Sir,

I have the honour to forward to Your Excellency herewith a memorandum by His Majesty's Government in the United Kingdom entitled "Political History of Palestine under British Administration".

- This memorandum constitutes His Majesty's Government's account of their edministration of the League of Mations mandate in Palestine, and is sent to you in accordance with the undertaking given in my note of 2nd April, in which I had the honour to request that the problem of Palestine should be placed on Agenda of the General Assembly at its next regular Session. I shall be grateful, therefore, if you will arrange for this document to be issued as an Assembly document in connexion with Item 21 of the Provisional Agenda of the Second Regular Session of the General Assembly, which was circulated on the 18th July last.
- andum has already been made available to the Special Committee on Palestine established by the Special Session of the General Assembly called at the request of the United Kingdom Government and which met on April 28th last. His Majesty's Government thought it advisable that the memorandum be communicated to the Special Committee since, as I had the honour to inform the Special Assembly, my Government wished to be entirely at the disposal of the Committee and to give it all information that it might require.

I have the honour to be

Sir,

Your Excellency's obedient servent,

His Excellency,
Nonsieur Trygve Lie,
Secretary General
United Nations,
Lake Success.

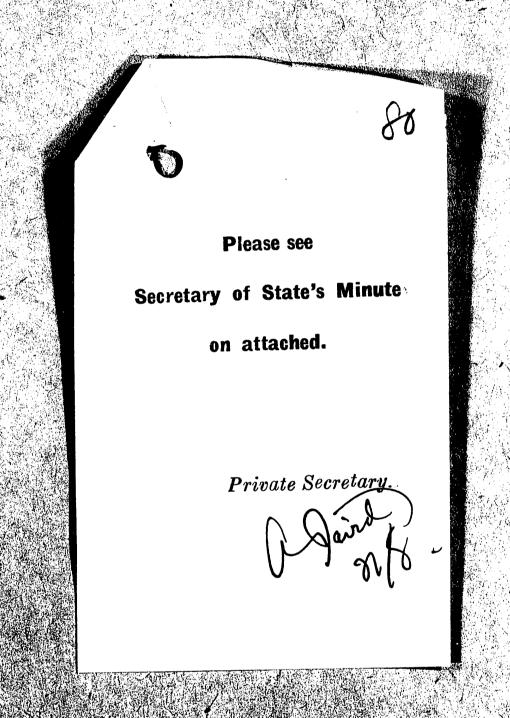
OFFICE, 6187

61877

(Action completed)

Next Paper

1898



				2	COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON	RECORD OFFICE,	CONDON
1 2	3	-	5	6	Reference:	o il	\$ 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
-	-	-	7				01000

Fastern Bept winds.

1. Eastern Bept winder bbs

2. 8/6 urgant bbs

(Max 8) I Apr mink
E 7865

The Rt. Hon. Ernest Bevin, P.C.

Dear Mr. Bevin,

With reference to our interview some weeks ago, I have just received the enclosed memorandum which seems to me of sufficient importance to pass on to you at once. So far as I am concerned, the information is secondhand, but I believe it to be reliable.

If you wish to see me, needless to say I am at your disposal, but you may feel that an interview is unnecessary or that the matter is better dealt with through Isaiah Berlin, who saw Dr. Weizmann in Palestine and who is, I understand, in Paris now with Sir Oliver Franks.

Subject to any summons from you, I am leaving Town on Thursday evening and going to Scotland on Sunday night, so I should be grateful if you would get your Secretary to let me know as soon as possible if you desire to see me. A message to the office of the Royal Commission on awards to Inventors will reach me up to 5 p.m. on Thursday. I have to go to the American Embassy on Thursday afternoon at 4.15, but should be available either before then or after 5 p.m. I go to Generals Meadow, Walmer, Kent, on Thursday evening (telephone Deal 635) until Sunday.

I am sending a copy of this letter to Mr. Creech Jones.

Yours sincerely,

Lione Cohen

(From The Rt. Hon. Sir Lionel Cohen, P.C., 2 Devonshire Street, W. 1.)

hake any suggestion ont By Kinds to anyone unter franche J Cannot

と

61877

The Press states that U.N.S.C.O.P. will soon present its report, and suggests that this may contain a majority recommendation more pleasing to Jews than Arabs. Whatever the recommendation, the report will go to the United Nations, and the Government will have to decide before the debate in the Assembly whether to support it or not. Should the Government find the recommendation against its conscience, and be unwilling to carry out as Mandatory the will of the Assembly if it be adopted, both Great Britain and the Jews of Palestine would suffer. The former would be pilloried, however unjustly, for not performing its duties as a Member of the United Nations, while Palestine Jewry, having been promised its moon, would blame England for removing the ladder. The bit terness of such a culminating disappointment would undoubtedly provoke reprisals from Palestine. Surely it would be preferable to do all that is morally possible to ensure that no recommendation is made which Great Britain cannot accept.

Geneva is crowded with partisans, and U.N.S.C.O.P. is under constant pressure. Zionist leaders - who may according to Isaiah Berlin, lately returned from several weeks in Palestine, perhaps not be so recalcitrant as they seem from here - do not, however, know within what range of solutions the Government would be content to support and implement a recommendation. If only some hint, no matter how informal and obviously non-committal as it would be, could reach them via Dr. Weizmann, they would be able to concentrate their evidence on seeking to secure the best alternative within the range acceptable to the Government. The Times "own correspondent, writing under a date-line of Jerusalem August 18th, says, "If Britain remains here, her view of any United Nations solution will be of some importance, and it is being suggested here that the United Nations Committee might try to co-ordinate its decisions with her." One way to achieve such co-ordination may be to indicate to the Jewish leaders the sort of solution which Great Britain would or would not co-operate in administering.

Is there any way of approaching the Foreign Secretary on a matter of such weight for both Great Britain and the Jews of Palestine?

Then is an implicit condition in this year, manualy that the "hint" should be at liest broadly in accordance with Zimish disires.

It is another version of the old Zimish manorum by which they hope to commit H.M.G. to endorsement of their robution for the Palestine problem.

We have steadily refused to try
to influence the U.N. bommittee on our
own though I see no nepon why
on should now begin to do so in
collusion with the 2 ionisto.

Draft reph Pris Benis Ang 23 HiBerly 20/8

Reference: FO 371 6

othing to be Written in this Margin.

9

Registry No.

Cop Coeret. Secret Confidential. Restricted:

The Right Hon. Sir Lionel Cohen, P. C.

2, Devonshire Street,

FROM: The Secretary of State.

OUT FILE

FOREIGN OFFICE, S. W. 1.

28 August, 1947.

Dear Sir Lionel,

Thank you for your letter of August 20th, enclosing a memorandum regarding the desirability of conveying some expression of the British view to U.N. S. C. O.P. Mu Muited Nations Sheial Committee on Paleshire. I was interested to read this note but I am afraid there is no question of my making any suggestion\$ or giving any hints in the present torim period before the recommendation of the Committees is formulated. It is to de notting to allitude of the

61877

was filling

20th August, 1947.

(8 7865/951/31).

Deer Sir Menel,

Thank you for your letter of the 20th August, enclosing a memorandum regarding the desirability of conveying some expression of the British view on Palastine to the United Hatiess Special Countities on Palastine.

I was interested to read this memorandum but I am agreete there can be no question of my making and reportions or giving any hints before the Committee's report is fermulated. It is our policy to do nothing to influence the attitude of the Committee.

(Squ) Romer Beaux

The Might Henoureble Sir Lieus Coben. 2. Devemblire Street, RECORD OFFICE,

61877

E1864/821/31 I'm wonding whither the letter about shist you telephoned to me took Salmday his gone actray. I have hed a find och solymond from the 75. With alond Lecretary Who atter for the F.O. I getter from my amosational the residuel Unt that it required no action on my pat, as I thought I my ht Tall gov know that the letter had

nun reached me. No drutt yn will send me a chy addressel to Jener als Reeder Wedne whither I zelinn on Tursday rest. yours an unely Limit L'When The Trivale Learning to the Learning of Nets for Foring 2 April

Reference:

32003 F.O.P.

Cypher/OTP

DEPARTMENTAL NO. 1.

FROM NEW YORK TO FOREIGN OFFICE.

(From Permanent United Kingdom Representative to the United Nations).

No. 2385

D. 9.25 p.m. 26th August 1947. R. 4.30 a.m. 27th August 1947.

26th August 1947.

Repeated to Jerusalem Washington Saving.

E 7800

VVV

Eastern Department's letter E6901/951/31 of August 9th.

Palestine documents.

We have officially requested Secretary-General to issue memorandum on "political history of Palestine" as an Assembly document in connexion with Item 21 of the provisional agenda. At the same time we told Secretariat informally that His Majesty's Government might be able to supply requisite number of copies.

- 2. Secretariat (who confirm that U.N.S.C.O.P. will not (repeat not) be attaching memo to their report) now point out that if paper is to be issued as United Nations document, it must be translated into all official languages. This task cannot possibly be completed before the Assembly begins and probably not before its end. The cost would also be very great. They therefore request His Majesty's Government to consider possibility of submitting the document in connexion with presentation of their case but not (repeat not) for circulation in United Nations series. In this case translation would not be necessary, and fewer English copies would be required.
- 3. I see no objection to this proposal, especially as British Information Services here have been authorised to print 10,000 copies, of which I understand 1,000 or so could easily be set aside for the Assembly. With this supply on hand, it seems wrong to ask United Nations to incur the additional expense.

Fereign Office please pass to Jerusalem as my telegram No. 65.

[Cepies sent to Telegraph Section Colonial Office for repetition to Jerusalem].

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

Registry
No. E 7898 /951/3

Escret.
Confidential.
Restricted.
Open.

Draft. til. to

U. K. Del.

New York.

2854

august 3i st.

Report 15

Washington

8925

grand firm.

byfhu Deple no. 1.

ly c.o.

Injortant

Your lilegran no. 2385 [Palestin Documents]

I agen that the "Political History of Palestine" should be circulated as a United Kingdom document, the necessary copies being provided of 8.1.5.

2 99 it [not too late, the B.1.5.

reprint shald contain the conection

communicated of MACGILLIVRAY to the

United Notions bommeter in Geneva.

This man relates to paragraph 119,

where the words 'implement the plandinoted against the cholo nationsh of
illegal persons or fine to and

5 of page 32, should be replaced by

'undertake operations against the

Palmach."

3. Marfillivray reports that the Scentarial of the bommather are under the impression that you have proposed the circulation to the /Assembly

Assembly of the Palestine Grammation "Supplementiang Memoran deem" (the green book) as well as the "Political History" (the gray book).

I assume that this is incorrect.

The only document submitted to the bommitten and to hair by H.M.

Government is the "Political History", also and this is the only document which in at prosent intend to einculate to the Assembly.

4.73. 31/8

NOTHING TO BE WRITTEN IN THIS MARGIN.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

E.7898/951/31.

Confidential.

CYPHER/OTP

DEPARTMENTAL NO.1.

FROM FOREIGN OFFICE TO NEW YORK

(To Permanent United Kingdom Representative to the United Nations)

No. 2.857.

D: 9.41 p.m. 31st August, 1947.

31st August, 1947.

Repeated to: Washington No. 8,925,

Jerusa lem.

000 000 000

IMPORTANT

Your telegram No. 2,385 [Palestine Documents].

I agree that the "Political History of Palestine" should be circulated as a United Kingdom document, the necessary copies being provided by B.I.S.

- 2. If it is not too late, the B.T.S. reprint should contain the correction communicated by MacGillivray to the United Nations Committee in Geneva. This relates to paragraph 119, where the words "implement the plan directed against the whole network of illegal armed crganisations", in lines 4 and 5 of page 32, should be replaced by "undertake operations against the Palmach".
- 3. MacGillivray reports that the Secretariat of the Committee are under the impression that you have proposed the circulation to the Assembly of the Palestine Governments "Supplementary Memorandum" (the green book) as well as the "Political History" (the grey book). I assume that this is incorrect. The only document submitted to the Committee by His Majesty's Government is the "Political History", and this is also the only document which we at present intend to circulate to the Assembly.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

	PALESTINE	E 8014
Registry Number & SOS /95 //3/. TELEGRAM FROM No. Dated Received in Registry } 30, Mag	Wasco.P. Repart. Transmit first part. of recommendations. araneman recommendat	foraft zummang. fines eleven
Last Paper.	(Minutes.)	ereneries en la servició de la constante de la participa de la seguina de la participa de la constante de la c La constante de la constante d
7898	'वर चं	
References.		H-73.
(Print.)		
(How disposed of.)		
(Action completed.) Subsequently Next Paper.		
I OAU I WPUI		
8015	32003 F.O.P.	V

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

61877

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Cypher/OTP

CABINET DISTRIBUTION

FROM GENEVA (UNITED KINGDOM DELEGATION)

TO FOREIGN OFFICE

No. 1421

D. 9.45 p.m. 30th August, 1947

30th August, 1947

R. 10.00 p.m. 30th August, 1942

uuuuu

E 8023

MOST IMMEDIATE TOP SECRET

Following for transmission to officer administering the Government of Palestine from MacGillivray to be repeated to Colonial Office

ha color

[Begins]

My telegram No. 1413. The following is the first part of the draft summary of recommendations.

[Begins]

at p.m., signed and sent to the Secretary-General for transmission to the General Assembly its report and recommendations on the question of Palestine.

Apart from specific plans as to the constitution of the future Government and territorial provisions, matters on which a majority and a minority proposal are submitted, the committee forwards to the General Assembly the following eleven unanimous recommendations:

- 1. the mandate for Palestine shall be terminated at the earliest practicable date.
- 2. Independence shall be granted in Palestine at the earliest practicable date.
- 3. There shall be a transitional period preceding the granting of independence which shall be as short as possible, consistent with the achievement of the conditions essential to independence.
- 4. During the transitional period the authority entrusted with administering Palestine and preparing it for independence shall be responsible to the United Nations.
- places.

 (A) in whatever solution may be adopted, the sacred character of the holy places shall be preserved and access to the holy places shall be ensured in accordance with existing rights.
- (B) The present rights of the several religious communities shall not be impaired or denied.



(C)

- (C) An adequate system for the impartial settlement of religious disputes shall be devised.
- (D) Specific stipulations regarding these matters shall be inserted in the constitution or constitutions of any independent Palestinian State or States which may be created.
- 6. The General Assembly should undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews, of whom approximately 250,000 are in assembly centres, will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem.
- 7. It shall be a prior condition to the granting of independence that the political structure of the new State or States, including its constitution or other fundamental law, shall be basically democratic, i.e. representative in character. The consitution shall contain guarantees of essential human rights and fundamental freedom, and safeguards to protect the rights and interests of minorities.
- 8. A prior condition to independence shall also be the incorporation in the consitution of basic principles of the Charter of the United Nations, including the obligation to settle international disputes by peaceful means and to refrain in international relations from the threat or use of force against the territorial integrity or political independence of any State or in any manner inconsistent with the purposes of the United Nations.
- 9. It shall be accepted as a cardinal principle that the preservation of the economic unity of Palestine is indispensable to the life and development of the country and its peoples.
- in Palestine the privileges and immunities of foreigners including consular jurisdiction by capitulation or usage in the etteman empire, should be invited by the United Nations to renounce any rights pertaining to them in the re-establishment of such privileges and immunities in an independent Palestine.
- Palestine to extend their fullest co-operation to the United Nations in its effort to devise and put into effect an equitable and workable means of settling the difficult situation prevailing there, and to this end, in the interest of peace, good order, and lawfulness, to exert every effort to bring to an early end the acts of violence which have for too long boset that country.

[Copy sent to Telegraph Section Colonial Office].

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

Cypher/OTP

CABINET DISTRIBUTION

8024

FROM GENEVA TO FOREIGN OFFICE

(From United Kingdom Delegation) SEP

No. 1428. August 31st, 1947.

D. 1.37 a.m. August 31st, 1947. R. 1.05 a.m. August 31st, 1947.

JJJ

MOST IMMEDIATE

SECRET

Following for transmission to the Officer administering the Government of Palestine from MacGillivray to be repeated to Colonial Office.

Following is continuation of text of summary of recommendations contained in my telegram No. 1421.

[Begins]

12. The Committee agreed with one dissenting vote to a twelfth recommendation as follows:

In the appraisal of the Palestine question it should be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.

Scheme of partition with economic union.

A majority of seven members (the representatives of Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay) recommended the partition of Palestine into an Arab state, a Jewish state and a city of Jerusalem, with a scheme of confederation on economic matters designed to preserve the economic unity of the country. A summary of its essential features follows:-

I. Transitional period and Constitution.

A. During the transitional period, the present mandatory power shall carry on the administration of Palestine under the auspices of the United Nations and on such conditions and under such supervision as the United Kingdom and the United Nations may agree upon. If so desired, the administration will be carried on with the assistance of one or more members of the United Nations. The mandatory power shall take such preparatory steps as may be necessary for the execution of the scheme recommended and shall carry out the following measures:-

(1)/....

for the cout the fe

SEP

- (1) Admit into the proposed Jewish state 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom on humanitarian grounds. Should the transitional period continue for more than two years, Jewish immigration shall be allowed at the rate of 60,000 per year. The Jewish Agency shall be responsible for the selection and care of the Jewish immigrants and for the organising of Jewish immigration during the transitional period.
- (2) The restrictions introduced under the authority of the Palestine (amendment) Order-in-Council of 25th May, 1939, will not apply to the transfer of land within the borders of the proposed Jewish state.
- B. Constituent Assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish states, respectively.
- C. The Constituent Assemblies shall draw up the constitutions of the states. The Constitutions shall provide for the establishment in each state of a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation and an executive body responsible to the Legislature. They shall also contain provisions for the protection of the holy places, religious buildings and sites, and for the religious and minority rights. Equal and non-discriminatory rights in civil, political and religious matters and the enjoyment of human rights and fundamental freedoms shall be guaranteed. Freedom of transit and visit for all residents and citizens of the two states in Palestine and the City of Jerusalem shall be preserved.
- D. The Constituent Assembly in each state shall appoint a provisional government empowered to make the declaration and sign the treaty of economic union. On the making the declaration and the signing the treaty of economic union by either state, its independence as a severeign state shall be recognised. If only one state fulfils these conditions the General Assembly of the United Nations shall take such action as it may deem proper. Pending such action the régime of economic union shall apply.

[Ends]

Further parts of text fellow.

[Copy sent to Colonial Office.]

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

	E	E 8023
1947	PALESTINE	SEP
Registry E80 917/31 TELEGRAM FROM	UNSCOP Rope Refer General tel 14	28 (E8024/9,1/31)
No. Dated Received in Registry 1429	Hureker continua Chapt summary	has of bet of Lacommendations.
	en e	
Last Paper.	(Minu	stes.)
8011		24.7
References.		/2 //2
(Print.)	•	
(How disposed of.)		
		-
		•
(Action completed.) Next Paper.		
ROZY	\$2008 F.O.P.	

Reference:

371/

61877

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on].

Cypher OTP

CABINET DISTRIBUTION E 8025

FROM GENEVA TO FOREIGN OFFICE

(From United Kingdon Delegation)

No. 1429

D. 10.03 a.m. 31st August 1947.

31st August 1947.

R. 11.05 a.m. 31st August 1947.

MOST IMMEDIATE SECRET ITTITI

Following for transmission to efficer administering the Government of Palestine from MacGillivray to be repeated to Colonial Office.

My telegram No. 1428.

Text of the draft summary of recommendations continues as follows.

[Begins]

II. Declaration.

The declaration shall contain provision for the protection of the hely places and religious buildings and sites and the religious and minerity rights. There shall be no discrimination on the grounds of race, religion or language. The State shall ensure adequate primary and secondary education for the Arab or Jewish minorities in their own language and in their cultural traditions, and each community shall have the right to maintain its own schools for the education of its own members in its own language. No exprepriation of land owned by an Arab in the Jewish State or vice versa shall be allowed except for public purposes, unless the land has remained uncultivated and unused for not less than one year. Palestinian citizens, as well as Arabs and Jews who, although not holding Palestinian citizenship, reside in Palestine shall, upon the recognition of independence, become citizens of the State in which they are resident or, if resident in the city of Jerusalem, who sign a notice of intention to become citizens, the Arabs of the Arab State and the Jews Such persons, if ever 18 years of of the Jewish State. age, may opt within one year for the citizenship of the other State or declare that they retain the citizenship of any State of which they are citizens.



III.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

III. Economic Union.

A treaty shall be entered into between the two States, which shall contain provisions to establish the economic union of Palestine and to provide for other matters of common interest.

(A) The objectives of the economic union of Palestine shall be a customs union, common currency, operation in the soumen interest of railways, inter-state highways, postal, telephone and telegraphic services, and the port of Haifa. It shall also promote joint economic development especially in respect of irrigation, land reclamation and soil conservation. A joint economic board shall be established to consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The functions of the joint economic board shall be to erganise and administer the objectives of the economic union. After various obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the fellowing manner: net less than 5 per cent and not more than 10 per cent to the city of Jerusalem and the residue in equal proportion to the Arab and Jewish States.

IV. The City of Jerusalon.

The city of Jerusalem shall be placed, after the transitional period, under the international trusteeship system by means of a trusteeship agreement which shall designate the United Nations as the administering authority. The city of Jerusalem shall include within its berders the present municipality of Jerusalem plus the surrounding villages and terms, the most eastern of which to be Abu Dis, the most southern Bethlehem, the most western Ein Karim The city of Jerusalen shall and the mest merthern Shu'fat. be demilitarised. The Governor of the city of Jerusalem shall be appointed by the Trusteeship Council of the United Nations. He will be meither Arab mer Jew mer a citizen of the Palestine States nor, at the time of his appointment, a resident of the city of Jerusalem. The protection of the hely places, religious buildings and sites in the city of Jerusalen shall be entrusted to a special police force the members of which shall be recruited outside Palestine and shall be neither Arab ner Jew. The city of Jerusalen shall be included in the economic union of Palestine.

V. Definition of Boundaries.

The plan envisages the division of Palestine into three areas: an Arab State, a Jewish State and the city of Jerusalem. The proposed Arab State will include Western

Galilee,

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 * 5 6 | Reference: FO 371 61877

Galilee, the hill country of Samaria and Judea with the exclusion of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. The proposed Jewish State will include Eastern Galilee, most of the coastal plain, and the whole of the Beersheba sub-district, including the Negeb. The three main parts of the Arab State and the three main parts of the Jewish State are linked together by two points of intersection, of which one is situated south-east of Afula in the sub-district of Nazareth and the other north-east of El Majdal in the sub-district of Gasa.

The Arab State -

Western Galilee is bounded on the west by the Mediterranean and in the north by the frontier of the Lebanon from Ras En Nagura to Qadas and on the east from Qadas southwards, passing west of Safad to the southwestern corner of the Safad sub-district, thence following the western boundary of the Tiberias sub-district to a point just east of Meunt Taber, thence southwards to the point of intersection south-east of Afula mentioned above. The south-western boundary of Western Galilee takes a line from this point passing south of Nasarcth and Shafr Amr, but north of Beit Lahm to the coast just south of Aere.

The boundary of the hill country of Samaria and Judea starting on the Jordan River south-east of Beisan follows the Samaria district boundary to the point of intersection south-east of Afula, thence westwards to Lajjun, thence in a south-westerly direction, passing just west of Tulkarn, east of Qalqiliya, west of Majdal Yaba, thence bulging westwards towards Rishon Le Zion so as to include Lydda and Ramle in the Arab State, thence turning again eastwards to a point west of Latrum, thereafter following the northern side of the Latrum-Majdal read to the second point of intersection, thence south-eastwards to a point on the Hebren sub-district boundary south of Qubeiba, thence following the Hebren sub-district boundary to the Dead See.

The Arab section of the coastal plain runs from a point a few miles north of Isdud to the Egyptian frontier extending inland three kilometres.

The Jewish State -

The north-eastern sector of the proposed Jewish State (Eastern Galilee) will have frontiers with the Lebanon in the north and west and with Syria and Transjordan on the cast and will include the whole of the Hulch Basin, Lake

Tiberies

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

Tiberias and the whole of the Beisan sub-district.

The Jewish Sector on the coastal plain extends from a point south of Acre to just north of Isdud in the Gasa sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa.

The Beershobs area includes the whole of the Beershobs sub-district and the eastern part of the Gaza sub-district.

The Caty of Jerusales -

The boundaries of the city of Jerusalem are as defined in the recommendations on the city of Jerusalem.

[Ends].

My immediately following telegram contains concluding part of summary.

[Copy sent to Telegraph Section Colonial Office].

128	·	E 8024
1947	PALESTINE	1 SEP
Registry ESOS/917/11 TELEGRAM FROM No. Percel Dated Received in Registry Percel Registry Registry Registry	Transmit list of for a Kederal State. Connected veryion of	조심화하다 하는 사람들은 사람들은 사람들이 불빛하
Last Paper.	(Minute	
References.		14-73. //g
(Print.)		
(How disposed of.)		
(Action completed.) (Index.) (Move possible of the complete		

7507

32003 F.O.P.

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on]

Cypher/OTP

E 18026

CABINET DISTRIBUTION

FROM GENEVA TO FOREIGN OFFICE

SFP

(From U.K. Delegation)

No: 1434

D. 5.57.p.m.31st August 1947

31st August 1947

R. 6.25.p.m.31st August 1947

X:X:X:

MOST IMMEDIATE

Secret.

Following for transmission to the officer administering the Government of Palestine from MacGillivray to be repeated to Colonial Office.

Following corrected text should be substituted for that contained in my telegram 1430.

[Begins].

Scheme for a Federal State.

Three members (the representatives of India, Persia and Yugoslavia) proposed an independent Federal State. The major provisions of that plan are briefly summarised as follows:-

I. Constitution and transitional period.

An independent Federal State of Palestine shall be created following a transitional period not exceeding three years, during which responsibility for administering Palestine and preparing it for independence shall be entrusted to an authority to be decided by the General Assembly.

The independent Federal State shall comprise an Arab State and a Jewish State. Jerusalem shall be its capital. During the transitional period a constituent Assembly shall be elected by popular vote and convened by the administering authority on the basis of electoral provisions which shall ensure the fullest representation of the population, provided that the electorate includes all adult persons who have acquired Palestinian citizenship

SEP

25

as well as all Arabs and Jews who, though non-citizens, are resident in Palestine and have applied for citizenship not less than three months before the date of election. The constituent assembly shall draw up the constitution of the Federal State. Independence shall be declared by the General Assembly once a Constitution incorporating the following provisions has been adopted by the Constituent Assembly:

- A) The Federal State shall comprise a Federal Government and Governments of the Arab and Jewish States, respectively.
- B) Full authority shall be vested in the Federal Government with regard to National Defence, Foreign Relations, Immigration, Currency, Taxation for Federal purposes, Foreign and Inter-State Waterways, Transport and Communications, copyrights and Patents.
- C) The Arab and Jewish States shall enjoy full powers of local self-Government and shall have authority over education, taxation for local purposes, the right of residence, commercial licences, land permits, grazing rights, inter-state migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local reads, agriculture and local industries.
- D) The organs of Government shall include a head of State, an executive body, a representative federal legislative body composed of two chambers, and a federal court. The executive shall be responsible to the legislative body.
- E) The head of State shall be elected by a majority vote of both champers of the federal legislative body. A deputy head of State shall be elected who shall be a representative of the community other than that with which the head of State is identified.
- F) Election to one chamber of the federal legislative body shall be on the basis of proportional representation of the population as a whole, and to the other on the basis of equal representation of the Arab and Jewish citizens of Palestine. Legislation shall be enacted when approved by majority votes in both chambers: in the event of disagreement between the two chambers, the issue shall be submitted to an arbitral body of five members including not less than two Arabs and two Jews.
- G) The Federal Court shall be the final court of appeal regarding constitutional matters. Its members, who shall include not less than four Arabs and three Jews, shall be elected by both Chambers of the federal legislative bedy.

H) The constitution shall forbid any discriminatory Federal or State legislation against population groups or against either of the States, and shall guarantee equal rights for all minorities. It shall be based on the full equality of all citizens of Palestine with regard to the political, civil and religious rights of the individual and shall guarantee fundamental human rights and freedoms. It shall guarantee inter alia free access to hely places and protect religious interests.

- I) The constitution shall provide for undertakings to settle international disputes by peaceful means.
- J) There shall be a single Palestinian nationality and citizenship.
- K) The constitution shall provide for equitable participation of representatives of both communities in Delegations to international conferences.

II. Hely places.

In addition to the guarantees contained in the constitution regarding the protection of and free access to hely places, there shall be set up a permanent international body for the supervision and protection of the hely places, to be composed of three representatives designated by the United Nations and one representative of each of the recognised faiths having an interest in the matter, as may be determined by the United Nations.

III. Jewish immigration into Palestine.

For a period of three years from the beginning of the transitional period Jewish immigration shall be permitted into the Jewish State in such numbers as not to exceed its absorptive capacity, and having due regard for the rights of the existing population within that State and their anticipated natural rate of increase. An international commission, composed of three Arab, three Jewish and three United Nations representatives shall be appointed to estimate the absorptive capacity of the Jewish State. The commission shall cease to exist at the end of the three year period mentioned above.

IV. Boundaries.

The Arab area of the proposed Federal State includes most of the interior of the country, except for Eastern Galilee and a large area of the Beersheba sub-district which fall within the boundaries of the Jewish area. The Arabs are alletted the coastal plain from Jaffa South to the Egyptian frontier, and the Western portion of the

Beersheba

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

Beersheba sub-district, including Beersheba town,
Aslaj and Anja, and a strip along the whole length of the
Egyptian frontier to the Gulf of Acuba. Also within the
Arab area, but the contiguous with the area just described,
is western Galilee, bounded on the west by the
Mediterranean from Acre to Ras en Hagura, on the north
by Lebanon and including Safag to the east and
Namareth to the South. The Jewish areas: likewise not
contiguous, but divided into two parts. It includes
the coastal plain from but expluding Acre on the north,
to Tel Aviv with a finger reaching south-east from
Tel Aviv through Rishon le Zion and Rehovoth to the neighbourhood of the boundaries of the Gaza and Hebron sub-district.
The plain of Endraelon forms bridge connecting this coastal
area with the valley of Jesreel. Belsan, Tiberias, and the Rusch
Valley, which are likewise allotted to the Jews. The Jesial
area to the sesta includes that part of the Hebron sub-district.
which lies sesta includes that part of the Hebron sub-district.
The east by the Vadi Araba and on the west by a line
drawn to the east of Beersheba and Asluj, and extending
southward to approximately latitude 50.5 degrees. When
the two above Eghenes coascerning partition of federal
State serve weed upon, one number of the committee,
the representative of Australia, asstained in both eases.

[Copy ment to Duty Officer, Colonial Office].

* 5 6 Reference: FO 371 61877

139	E 109
1947	PALESTINE E 8025
Registry E80 1/91/21 Number E80 1/91/21 TELEGRAM FROM No. Veneva. Dated Received 1436 in Registry 21. Aug	Persection & draft summary of recommendation contained till 1421, 1428, and 1429,
Last Paper.	(Minutes.)
8054	H73.
References.	/9
·	
(Print.)	
(How disposed of.)	
(Action completed.) Next Paper.	
8026	32003 F.O.P.

Reference: COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON 371 61877

[This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.]

Cypher/OTP

CABINET DISTRIBUTION

E 8027

FROM GENEVA TO FOREIGN OFFICE

(From United Kingdom Delegation) SFP

No. 1436

D. 7.00 p.m. 31st August, 1947.

31st August, 1947.

R. 7.25 p.m. 31st August, 1947.

MOST IMMEDIATE

M

SECRET

Following for transmission to Officer Administering the Government of Palestine from Macgillivray, to be repeated to Colonial Office.

The following are corrections to draft summary of recommendations contained in my telegrams Nos. 1421, 1428 and 1429.

(A) Corrections to telegram No. 1421:

- (1) [gp. undec. ? The] summary should be headed "Summary of Recemmendations".
- (2) The first paragraph should begin as follows:
 "The United Nations Special Committee on Palestine today
 signed at Geneva, at hours Greenwich Mean Time, and sent
 to the Secretary General etc.".

(B) Cerrections to telegram No. 1428:

- (1) The first line of recommendation 12 should read "The Committee agreed with two dissenting votes etc.".
- (2) Substitute the fellowing for the first paragraph of the scheme of partition with economic union: "According to the plan of the majority (the representatives of Canada, Czecheslevakia, Guatemala, The Netherlands, Peru, Sweden and Uruguay), Palestine shall be constituted into an Arab State, a Jewish State and the City of Jerusalem. The Arab and the Jewish States will become independent after a transitional peried of two years beginning on 1st September, 1947. however, their independence can be recognised, they must adopt a constitution, make to the United Nations a declaration containing certain guarantees, and sign a treaty by which a system of economic collaboration is established and the economic union of Palestine is created. A summary of its essential features fellews:-".

copyRight of the Public RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

(3)

(3) In the first sentence of paragraph A of the section on transitional period and constitution "United Kingdom" should be substituted for "present mandatory Power". The third sentence of this paragraph should begin "The United Kingdom shall during the transitional period take such preparatory steps etc.".

(C) Corrections to telegram No. 1429 :

- (1) In Section II Declaration omit the sentence beginning "No expropriation of land owned by an Arab ... " and then continue as follows: "Palestinian citizens, as well as Arabs and Jews who, although not holding Palestinian citizenship, reside in Palestine shall, upon the recognition of independence, become citizens of the State in which they are resident. Such persons if over 18 years of age, may opt within one year for the citenzenship of the other State or declare that they retain the citizenship of any State of which they are citizens; provided that no person who has signed the notice of intention referred to in paragraph B above about the constituent assemblies shall have the right of option. A resident of the City of Jerusalem, who signs a notice of intention, may opt for citizenship of one of the Palestinian States, if an Arab of the Arab State and if a Jew of the Jewish State. [? unquete].
- (2) In Section III economic union omit the "A" before the second sentence and substitute "ports of Haifa and Jaffa" for "Port of Haifa".
- (3) Insert the fellowing new sentence after the fifth sentence ending "the City of Jerusalem" in Section TV City of Jerusalem: "The Governor shall be empowered to make decisions on the basis of the existing rights (Status que) in cases of disputes which may wrise between the different communities in respect of the Holy Places, religious buildings and sites in any part of Palestine".
- (4) The definition of the boundaries should be amended as follows:-
- (A) Sub-heading should read "V boundaries of the Arab and Jewish States".
 - (B) Substitute "parts" for "areas" in the first sentence.
- (C) Substitute "City of Jerusalem" for "Jerusalem" in the second sentence.
- (D) Insert "the Plain of Esdraelon", after "Eastern Galilee", in the third sentence.
- (E) Substitute "which includes the Negeb" for "including the Negeb" in the third sentence.
- (F) Substitute "three sections" for "three main parts" where it occurs twice in the second paragraph.

 (G)

- (G) The description of the Arab State should begin as follows: "Western Galilee is bounded on the west by the Mediterrane an and in the north by the frontier of the Lebanon from Res En Nakura to Qadas; on the east the boundary, starting from Qadas, passes southwards, west of Safad to the south-western corner of the Safad subdistrict; thence it follows the western boundary etc.".
- (H) The second paragraph of the description of the Arab State should begin as follows: "The boundary of the hill country of Samaria and Judea starting on the Jordan River south-east of Beisan follows the northern boundary of the Samaria district westwards to the point of intersection south-east of Afula, thence again westwards to Lajjun, etc.".
- (I) This same paragraph should end "thence following the southern boundary of the Hebron sub-district to the Dead Sea.".
- (J) Substitute "approximately eight, repeat eight, kilometres" for "three kilometres" at the very end of the description of the Arab State.
- (K) The description of the Jewish State should read as follows: "The north-eastern sector of the proposed Jewish State (Rastern Galilee) will have frontiers with the Lebanon in the north and west and with Syria and Transjordan on the east and will include the Whole of the Huleh Basin, Lake Tiberias and the whole of the Beisan sub-district.

From Beisan the Jewish State will extend northwest following the boundary described in respect of the Arab State.

The Jewish sector on the coastal plain extends from a point south of Acre to just north of Isdud in the Gaza sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa.

The eastern fremtier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area includes the Whole of the Beersheba sub-district, which includes the Negeb, and the eastern part of the Gaza sub-district south of the point of intersection. The northern boundary of this area, from the point of intersection, runs southeastwards to a point on the Hebron sub-district boundary south of Qubeiba, and thence follows the southern boundary of the Hebron sub-district to the Dead Sea!.

[Copy sent to Telegraph Section, Colonial Office.]

と C) 00 ~

	E	E 8026
1947	PALESTINE	I SEP I
Registry E804/95-1/31 Number TELEGRAM FROM	from furcher la	t of bornecture to
No. Class Class	dummary of rec	ommendalors.
Last Paper.		Minutes.)
1508		H-3.17
References.		/9
(Print.)		
(How disposed of.)		
(Action completed.) Next Paper.		
9077	\$2008 F.O.P.	

Reference:

371

61877

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

[This telegram is of particular secrety and should be retained by the authorised recipient and not passed on]

Cypher/OTP

E 8014

CABINET DISTRIBUTION

FROM UNITED KINGDOM DELEGATION GENEVA TO FOREIGN OFFICE

No. 1437

D. 9.25 p.m. August 31st, 1947.

August 31st, 1947.

R. 9.45 p.m. August 31st, 1947.

SSSSS

MOST IMMEDIATE

SECRET

Following for transmission to Officer Administering the Government of Palestine from MacGillivray to be repeated to Colonial Office.

The following further corrections have been made in summary of recommendations.

- (a) In unanimous recommendation No. 7 "fundamental freedom" should read "fundamental freedoms".
- (b) Following the words "Arab and Jewish States respectively" at the end of paragraph B in the section relating to the partition scheme headed transitional period and constitution insert the following three sentences:

"Qualified voters for each State for this election shall be persons over 20 years of age who are

- (a) Palestinian citizens residing in that State and
- (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State. Arabs and Jews residing in the city of Jerusalem, who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively. Wemen may vote and be elected to the constituent assemblies.
- (c) The second sentence of paragraph D in the same section should begin "On making the declaration and signing the treaty of economic union etc.".
- (d) In the first sentence of the section headed III Economic Union read "contain certain provisions" in place of "contain provisions".

/(e)

(e) Delete the first sentence beginning "the plan envisages" and the last sentence beginning "the boundaries of the city of Jerusalem" (including the sub-heading "The city of Jerusalem") of Section V describing the boundaries of the Arab and Jewish States in the partition scheme.

(f) Substitute "propose" for "proposed" in first line of the scheme for a federal State.

[Copies sent to Colonial Office]

31	E	E 8027 116
1947	PALESTINE	SEP FOR
Registry 8000000000000000000000000000000000000	UNSCOP Repor	freenmed Mean King
Last Paper.	(Mi	nutes.)
References.		HB. 1/9
(Print.)	In P.P. Lummory	Leccomerdations 14/10 Bour. 15
(How disposed of.)		
(Action completed.) Next Paper. So 47	32003 F.O.P.	

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

371/61877

117

En Clair

CABINET DISTRIBUTION

E :8015

FROM GENEVA TO FOREIGN OFFICE.

(From United Kingdom Delegation)

SEP.

No.1438 31st August, 1947. D: 10.15 a.m. 31st August, 1947 R: 12.23 a.m. 1st September, 1947.

GGGG

MOST IMEDIATE

Following for transmission to the Officer administering the Government of Palestine from Macgillivray to be repeated to the Colonial Office.

Signed 22.30 hours Greenwich mean time.

[Copies sent to Colonial Office]



eference:

51877

1

-8027/957/31.

E 118

United Nations Special Committee on Palestine.

Summary of Recommendations.

"The United Nations Special Committee on Palestine today signed at Geneva, at 10.30 p.m. Greenwich mean time, and sent to the Secretary-General for transmission to the General Assembly its report and recommendations on the question of Palestine.

Apart from specific plans as to the constitution of the future Government and territorial provisions, matters on which a majority and a minority proposal are submitted, the committee forwards to the General Assembly the following eleven unanimous recommendations:

- 1. the mandate for Palestine shall be terminated at the earliest practicable date.
- 2. Independence shall be granted in Palestine at the earliest practicable date.
- 3. There shall be a transitional period preceding the granting of independence which shall be as short as possible, consistent with the achievement of the conditions essential to independence.
- 4. During the transitional period the authority entrusted with administering Palestine and preparing it for independence shall be responsible to the United Nations.
 - 5. With regard to religious interests and the holy places,
- (A) in whatever solution may be adopted, the sacred character of the holy places shall be preserved and access to the holy places shall be ensured in accordance with existing rights.
- (B) The present rights of the several religious communities shall not be impaired or denied.
- (C) An adequate system for the impartial settlement of religious disputes shall be devised.
- (D) Specific stipulations regarding these matters shall be inserted in the constitution or constitutions of any independent Palestinian State or States which may be created.
- 6. The General Assembly should undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews, of whom approximately 250,000 are in assembly centres, will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem.
- 7. It shall be a prior condition to the granting of independence that the political structure of the new State or States, including its constitution or other fundamental law, shall be basically democratic, i.e. representative in character. The constitution shall contain guarantees of essential human rights and fundamental freedoms, and safeguards to protect the rights and interests of minorities.

 /8.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

- 8. A prior condition to independence shall also be the incorporation in the constitution of basic principles of the Charter of the United Nations, including the obligation to settle international disputes by peaceful means and to refrain in international relations from the threat or use of force against the territorial integrity or political independence of any State or in any manner inconsistent with the purposes of the United Nations.
- 9. It shall be accepted as a cardinal principle that the preservation of the economic unity of Palestine is indispensable to the life and development of the country and its peoples.
- 10. States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners including consular jurisdiction by capitulation or usage in the ottoman empire, should be invited by the United Nations to renounce any rights pertaining to them in the re-establishment of such privileges and immunities in an independent Palestine.
- 11. The General Assembly shall call on the peoples of Palestine to extend their fullest co-operation to the United Nations in its effort to devise and out into effect an equitable and workable means of settling the difficult situation prevailing there, and to this end, in the interest of peace, good order, and lawfulness, to exert every effort to bring to an early end the acts of violence which have for too long beset that country.
- 12. The Committee agreed with two dissenting votes to a twelfth recommendation as follows:

In the appraisal of the Palestine question it should be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.

Scheme of partition with economic union.

According to the plan of the majority (the representatives of Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay), Palestine shall be constituted into an Arab State, a Jewish State and the City of Jerusalem. The Arab and the Jewish States will become independent after a transitional period of two years beginning on 1st September, 1947. Before, however, their independence can be recognised, they must adopt a constitution, make to the United Nations a declaration containing certain guarantees, and sign a treaty by which a system of economic collaboration is established and the economic union of Palestine is created. A summary of its essential features follows:-

I. Transitional period and Constitution.

A. During the transitional period, the United Kingdom shall carry on the administration of Palestine under the auspices of the United Nations and on such conditions and under such supervision as the United Kingdom and the United Nations may agree upon. If so desired, the administration will be carried on with the assistance of one or more members of the United Nations.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

The United Kingdom shall during the transitional period take such preparatory steps as may be necessary for the execution of the scheme recommended and shall carry out the following measures:-

- (1) dmit into the proposed Jewish state 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom on humanitarian grounds. Should the transitional period continue for more than two years, Jewish immigration shall be allowed at the rate of 60,000 per year. The Jewish Agency shall be responsible for the solection and care of the Jewish immigrants and for the organising of Jewish immigration during the transitional period.
- (2) The restrictions introduced under the authority of the Palestine (amendment) Order-in-Council of 25th May, 1939, will not apply to the transfer of land within the borders of the proposed Jewish state.

B. Constituent Assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish states, respectively.

Qualified voters for each State for this election shall be persons over 20 years of age who are

(a) Palestinian citizens residing in that State

and

(b) rabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State. Arabs and Jews residing in the city of Jerusalem, who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively. Women may vote and be elected to the constituent assemblies.

C. The Constituent Assemblies shall draw up the constitutions of the states. The Constitutions shall provide for the establishment in each state of a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation and an executive body responsible to the Legislature. They shall also contain provisions for the protection of the holy places, religious buildings and sites, and for the religious and minority rights. Equal and non-discriminatory rights in civil, political and religious matters and the enjoyment of human rights and fundamental freedoms shall be guaranteed. Freedom of transit and visit for all residents and citizens of the two states in Palestine and the City of Jerusalem shall be preserved.

provisional government empowered to make the declaration and sign the treaty of economic union. On making the declaration and signing the treaty of economic union by either state, its independence as a sovereign state shall be recognised. If only one state fulfils these conditions the General Assembly of the United Nations shall take such action as it may deem proper.

/pending

Pending such action the régime of economic union shall apply.

II. Declaration.

The declaration shall contain provision for the protection of the holy places and religious buildings and sites and the religious and minority rights. There shall be no discrimination on the grounds of race, religion or language. The State shall ensure adequate primary and secondary education for the Arab or Jewish minorities in their own language and in their cultural traditions, and each community shall have the right to maintain its own schools for the education of its own members in its own Palestinian citizens, as well as Arabs and Jews who, although not holding Palestinian citizenship, reside in Palestine shall, upon the recognition of independence, become citizens of the State in which they are resident. Such persons if over 18 years of age, may opt within one year for the citizenship of the other State or declare that they retain the citizenship of any State of which they are citizens; provided that no person who has signed the notice of intention referred to in paragraph B above about the constituent assemblies shall have the right A resident of the City of Jerusalem, who signs a notice of intention, may opt for citizenship of one of the Palestinian States, if an Arab of the Arab State and if a Jew of the Jewish State.

III. Economic Union.

A treaty shall be entered into between the two States, which shall contain certain provisions to establish the economic union of Palestine and to provide for other matters of common interest.

The objectives of the economic union of Palestine shall be a customs union, common currency, operation in the common interest. of railways, inter-state highways, postal, telephone and telegraphic services, and the ports of Haifa and Jaffa. shall also promote joint economic development especially in respect of irrigation, land reclamation and soil conservation. A joint economic board shall be established to consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The functions of the joint economic board shall be to organise and administer the objectives of the economic After various obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the city of Jerusalem and the residue in equal proportion to the .rab and Jewish States.

IV. The City of Jerusalem.

The city of Jerusalem shall be placed, after the transitional period, under the international trusteeship system by means of a trusteeship agreement which shall designate the United Nations as the administering authority. The city of Jerusalem shall include within its borders the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which to be Abu Dis, the most southern Bethlehem, the most western Ein Karim and the most northern

/Shu'fat.

Shu'fat. The city of Jerusalem shall be demilitarised. The Governor of the city of Jerusalem shall be appointed by the Trusteeship Council of the United Nations. He will be neither Arab nor Jew nor a citizen of the Palestine States nor, at the time of his appointment, a resident of the city of Jerusalem. The Governor shall be empowered to make decisions on the basis of the existing rights (status quo) in cases of disputes which arise between the different communities in respect of the Moly places, religious buildings and sites in any part of Palestine. The protection of the holy places, religious buildings and sites in the city of Jerusalem shall be entrusted to a special police force the members of which shall be recruited outside Palestine and shall be neither Arab nor Jew. The city of Jerusalem shall be included in the economic union of Palestine.

V. Boundaries of the Trab and Jewish States.

The proposed Arab State will include Western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. The proposed Jewish State will include Egyptian frontier, the plain of Esdraelon, most of the coastal plain, Eastern Galilee, the plain of Esdraelon, most of the coastal plain, and the whole of the Beersheba sub-district, which includes the Negeb. The three sections of the Arab State and the three Negeb. The three sections of the Arab State and the three intersection, of which one is situated south-east of Afula in the sub-district of Nazareth and the other north-east of El Majdal in the sub-district of Gaza.

The .. rab State -

Western Galilee is bounded on the west by the Mediterranean and in the north by the frontier of the Lebanon from Ras En Naqura to Qadas; on the east the boundary, starting from Qadas, passes southwards, west of Safad to the south-western corner of the Safad sub-district; thence it follows the western boundary of the Tiberias sub-district to a point just east of boundary of the Tiberias sub-district to a point just east of Mount Tabor, thence southwards to the point of intersection southeast of Afula mentioned above. The south-western boundary of Western Galilee takes a line from this point passing south of Nazareth and Shafr Amr, but north of Beit Lahm to the coast just south of Acre.

The boundary of the hill country of Samaria and Judea starting on the Jordan River south-east of Beisan follows the northern boundary of the Samaria district westwards to the point of intersaction south-east of Afula, thence again westwards to Lajjun, thence in a south-westerly direction, passing just west of Tulkarm, east of Qalailiya, west of Majdal Yaba, thence bulging westwards towards Rishon Le Zion so as to include Lydda and Ramle westwards towards Rishon Le Zion so as to include Lydda and Ramle in the Arab State, thence turning again eastwards to a point in the Arab State, thence turning again eastwards to a point west of Latrun, thereafter following the northern side of the Latrun-Majdal road to the second point of inter-section, thence Latrun-Majdal road to the second point of inter-section, thence south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, thence following the southern boundary of the Hebron sub-district boundary to the Dead Sea.

The Arab section of the coastal plain runs from a point a few miles north of Isdud to the Egyptian frontier extending inland approximately eight kilometres.

The Jewish State -

The north-eastern sector of the proposed Jewish State (Eastern Galilee) will have frontiers with the Lebanon in the North and west and with Syria and Transjordan on the east and will include the whole of the Huleh Basin, Lake Tiberias and the whole of the Beisan sub-district.

The Jewish sector on the coastal plain extends from a point south of ...cre to just north of Isdud in the Gaza sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa.

The Beersheba area includes the whole of the Beersheba subdistrict and the eastern part of the Gaza sub-district.

From Beisan the Jewish State will extend northwest following the boundary described in respect of the Arab State.

The Jewish sector on the coastal plain extends from a point south of ..cre to just north of Isdud in the Gaza sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa.

The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area includes the whole of the Beersheba sub-district, which includes the Negeb, and the eastern part of the Gaza sub-district south of the point of inter-section. The northern boundary of this area, from the point of intersection, runs south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, and thence follows the southern boundary of the Hebron sub-district to the Dead Sea.

Scheme for a Federal State.

Three members (the representatives of India, Persia and Yugoslavia) propose an independent Federal State. The major provisions of that plan are briefly summarised as follows:-

I. Constitution and transitional period.

An independent Federal State of Palestine shall be created following a transitional period not exceeding three years, during which responsibility for administering Palestine and preparing it for independence shall be entrusted to an authority to be decided by the General Assembly.

The independent Federal State shall comprise an Arab State and a Jewish State, Jerusalem shall be its capital. During the transitional period a constituent Assembly shall be elected by popular vote and convened by the administering authority on the basis of electoral provisions which shall ensure the fullest representation of the population, provided that the electorate includes all adult persons who have acquired Palestinian citizenship as well as all Arabs and Jews who, though non-citizens, are resident in Palestine and have applied for citizenship not less than three months before the date of election. The constituent assembly shall draw up the constitution of the Federal State. Independence shall be declared by the General Assembly once a Constitution incorporating the following provisions has been adopted by the Constituent Assembly:

- A) The Federal State shall comprise a Federal Government and Governments of the Arab and Jewish States, respectively.
- B) Full authority shall be vested in the Federal Government with regard to National Defence, Foreign Relations, Immigration, Currency, Taxation for Federal purposes, Foreign and Inter-State Waterways, Transport and Communications, copyrights and Patents.
- C) The Arab and Jewish States shall enjoy full powers of local self-Government and shall have authority over education, taxation for local purposes, the right of residence, commercial licences, land permits, grazing rights, inter-state migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries.
- D) The organs of Government shall include a head of State, an executive body, a representative flederal legislative body composed of two chambers, and a federal court. The executive shall be responsible to the legislative body.
- vote of both chambers of the federal legislative body. A deputy head of State shall be elected who shall be a representative of the community other than that with which the head of State is identified.
- F) Election to one chamber of the federal legislative body shall be on the basis of proportional representation of the population as a whole, and to the other on the basis of equal representation of the Arab and Jewish citizens of Palestine. Legislation shall be enacted when approved by majority votes in both chambers: in the event of disagreement between the two chambers, the issue shall be submitted to an arbitral body of five members including not less than two Arabs and two Jews.
- constitutional matters. Its members, who shall include not less than four Arabs and three Jews, shall be elected by both Chambers of the federal legislative body.
- H) The consitution shall forbid any discriminatory Federal or State legislation against population groups or against either of the States, and shall guarantee equal rights for all minorities. It shall be based on the full equality of all citizens of Palestine with regard to the political, civil and religious rights of the individual and shall guarantee fundamental human rights and freedoms. It shall guarantee inter alia free access to holy places and protect religious interests.
- I) The constitution shall provide for undertakings to settle international disputes by peaceful means.
- J) There shall be a single Palestinian nationality and citizenship.
- K) The constitution shall provide for equitable participation of representatives of both communities in Delegations to international conferences.

 /II.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

II. Holy places.

In addition to the guarantees contained in the constitution regarding the protection of and free access to hely places, there shall be set up a permanent international body for the supervision and protection of the hely places, to be composed of three representatives designated by the United Nations and one representative of each of the recognised faiths having an interest in the matter, as may be determined by the United Nations.

III. Jewish immigration into Palestine.

For a period of three years from the beginning of the transitional period Jewish immigration shall be permitted into the Jewish State in such numbers as not to exceed its absorptive capacity, and having due regard for the rights of the existing population within that State and their anticipated natural rate of increase. An international commission, composed of three Arab, three Jewish and three United Nations representatives shall be appointed to estimate the absorptive capacity of the Jewish State. The commission shall cease to exist at the end of the three year period mentioned above.

IV. Boundaries.

The Arab area of the proposed Federal State includes most of the interior of the country, except for Eastern Galilee and a large area of the Beersheba sub-district which fall within The Arabs are allotted the the boundaries of the Jewish area. coastal plain from Jaffa South to the Egyptian frontier, and the Western portion of the Beersheba/sub-district, including Beersheba town, Asluj and Auja, and a strip along the whole length of the Egyptian frontier to the Gulf of Aquba. Also within the Arab area, but not contiguous with the area just described, is western Galilee, bounded on the west by the Mediterranean from Acre to Ras en Nagura, on the north by Lebanon and including Safad to the east and Nazareth to the southe The Jewish areas likewise not contiguous, but divided into two parts. It includes the coastal plain from but excluding Acre on the north, to Tel Aviv, with a finger reaching south-east from Tel Aviv through Rishon le Zion and Rehovoth to the neighbourhood of the boundaries of the Gaza and Hebron sub-district. plain of Esdraelon forms a bridge connecting this coastal area with the valley of Jezreel, Beisan, Tiberias, and the Huleh Valley, which are likewise allotted to the Jews. area to the south includes that part of the Hebron sub-district which lies south and east of Dahariya and Yatta, and a rectangular area of the Beersheba sub-district, bounded on the east by the Wadi Araba and on the west by a line drawn to the east of Beersheba and sluj, and extending southward to approximately latitude 30.3 degrees.

When the two above schemes concerning partition or federal State were voted upon, one member of the Committee, the representative of Australia, abstained in both cases.

RECEIVED : 15 007 1547

THE PUBLIC RECORD OFFICE, LONDON

61877

(Action completed.)

Next Paper.

8045.

32003 F.O.P.

DEPARTMENTAL NO. 1

FROM GENEVA TO FOREIGN OFFICE

111

(From United Kingdom Delegation)

No. 1452

D. 2.52 p.m. 31st August, 1947.

31st August, 1947. R. 3.08 p.m. \$1st August, 1947.

E_8042

MOST IMMEDIATE

SECRET

Following for transmission to Officer administering the Government of Palestine from MacGillivray to be repeated to Colonial Office.

My telegram No. 1413.

Hoo states that owing to leakages to the press the Secretary General is very anxious to issue the summary of recommendations to the press at Lake Success this evening in time for its publication in tomorrow merning's newspapers. But the summary is still in draft form, is under correction and has not yet been finally approved by the committee. Hoo therefore proposes that the corrected text of this summary should be handed to press correspondents in Lake Success, Geneva and Jerusalem under press stop at 19.00 hours G.M.T. and that authority to release be conveyed subsequently by telegram to Lake Success and Jerusalem as soon as summary has been signed by members of the committee.

- 2. I hope to send you corrections to the draft in about two hours time. Hoo authorises issue of this corrected draft to press correspondents in Jerusalem under press stop at 19.00 hours G.M.T. or as soon thereafter as it is available.
- been signed. I will telegraph en clair the words
 "signed blank hours G.M.T." This will probably be around midnight G.M.T., and may be taken as the committee's authority for press release. If there are any lastminute corrections to the summary I shall send them also en clair.

[Copy sent to Colonial Office.]



6187

61877

8048.

32003 F.O.P.

E 8045

CYPHER/OTP

S DEPARTMENTAL NO.1.

FROM GENEVA TO FOREIGN OFFICE

(United Kingdom Delegation)

No. 1.441.

D: 11.05 a.m. 1st September, 1947.

1st September, 1947. R: 12.02 p.m. 1st September, 1947.

IMMEDIATE

SECRET

Following for Colonial Office from MacGillivray to be repeated to Office Administering the Government of Palestine.

Unscop's report was signed last night at 22.30 hours G.M.T. The report does not include the summary of recommendations which I telegraphed yesterday and the summary should be regarded simply as an official press release. I understand, however, that Hoo recommended to the Secretary-General that copies of this summary should be handed to the representatives of United Nations Delegations at Lake Success at the same time as or prior to release to the press last night.

2. Hoo has despatched to-day direct to the Governments of all members of the United Nations, one copy of the Committee's report without appendices. In his covering letter he states as follows:

"Due to the shortness of time between the completion of the report and the opening of the General Assembly, this copy, without annexes, is being transmitted to you in advance of the regular distribution of the complete report by headquarters at Lake Success. It is requested that the report be considered as confidential until it has been published at Lake Success".

I am sending this letter together with the copy of the report (without appendices) which accompanies it, by air bag to-day to the Secretary of State for Foreign Affairs, to whom it is addressed. I am also sending two copies of the report to Martin and I will despatch direct to Palestine three further copies by air at first available opportunity. There is a very limited number of copies of the report and I have not yet been able to obtain the than six.

- 3. Hoo leaves by air to-day for Lake Success. He intended that copies of the report (without appendices) should there be made available to the press as soon as he arrived. I have asked him to hold up release to the press at Lake Success at least until next Friday morning in order to ensure simultaneous release in Palestine. He seemed reluctant to do so. I will telegraph later on this point. The trouble is that Hoo forgot to tell members of the Committee at their final meeting last night that the report should be treated as confidential until published at Lake Success; moreover, copies have been handed to the Jewish Agency liaison officers; the probability is therefore that extensive extracts will be quoted in the press long before Hoo reaches Lake Success or even before copies are in the hands of any Governments. Hoo is therefore anxious to effect official release to the press as soon as possible.
- 4. One of the appendices to the report contains the reservation and observations of individual members. Sandstrom warned me last night that some of these, particularly that of Yugoslavia, contain strong criticism of the mandatory power's record in Palestine. The Yugoslavia grp.emtd. contends that the mandate was not unworkable but that Great Britain made it so. This appendix will not be available for some days.
- 5. The report without appendices comprises 165 foolscap pages of stencil.
- 6. Sandstrom who leaves here to-day for Sweden, expects to leave Sweden for New York by sea on 5th September as a member of Swedish Delegation.

[Copies sent to Colonial Office.]

IOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No.

Draft. tu, 15

genera.
1577.
Sep1

byfler Dyll. no. 1

Coff C.o.

OUT FILE

Desposehed 7 10 Mis

Immediali

Your telegram no 1441 Following for Man Gillivray. of motor and attached to the copies of the report you have sent us, can you obtain copies 7 the maps illustrating the majority and minority neommen dations? If so, plass and or bring them, whitever is the quicker. No doubt you are also your doing your hot to obtain fadditionals copies of the report. 2. An the statistics 7 population in funera telegram no. 1427 your own estimates or the bommittees? In either case we assum that they an based on the

HB. 1/9

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| | 2 | 3 | 4 | 5 | 6 | Reference: FO 371 | 61877

4

Cypher/OTP

DEPARTMENTAL NO.1

FROM FOREIGN OFFICE TO UNITED KINGDOM DELEGATION GENEVA

No.1577

D. 9.10 p.m. 1st September, 1947

1st September, 1947

IMMEDIATE

Your telegram No.1441.

Following for MacGillivray.

If they are not attached to the copies of the report you have sent us, can you obtain copies of the maps illustrat ing the majority and minority recommendations? If so, please send or bring them, which ever is the quicker. doubt you are also doing your best to obtain some additional copies of the report.

Are the statistics of population in Geneva telegram No.1427 your own estimates or the Committee's? In either case we assume that they are based on the Harris memorandum.

61877

35-		E 8056
1947	PALESTINE	SEP
Registry Number \68056/957/3 FROM Who and No. Office . Dated Received in Registry 1 Left.	who sails that They	by Yoush BEY ALAMI MS &UNSCOP.
Last Paper.	(Minute	
8048		7475.6/g
References.		
(Print.)		
(How disposed of.)		
è		

Next Paper.

(Inde

8090

(Action completed,)

32003 F.O.P

Telephone: SLOANE 0724-5.

ARABOFFICE, LONDON.

92 EATON PLACE, LONDON, S.W.1.

134

With Complimen E 8056.

The Arab Office

61877

////

SUMMARY OF STATEMENT

- 1. The recommendations are utterly unacceptable to the Arabs. This applies to both the majority and the minority reports.
- The recommendations are riddled with inconsistencies between the general principles postulated and the concrete measures proposed. On the one hand, the Committee decides that the Mandate should be terminated and that independence should be grant -ed at the earliest possible moment. It also affirms that democratic principles and the protection of minorities must be a prior consideration of the grant of independence. On the other hand it makes recommendations which deny the most elementary democratic rights to the Arabs in their country. It seeks to give the Jews not the normal rights of minorities, but either territorial sovereignty in a part of Palestine or equal weight with the majority in a Federal State. Again, on the one hand the Committee states that economic unity is essential to the health and development of the country and seeks to ensure it by cooperation between Arabs and Jews on an economic commission. while on the other it recommends partition on the assumption that cooperation is impossible.
- The recommendations do not offer any finality at all. By linking the Palestine question with the problem of European Jewry, by providing for continued immigration, by imposing limitations on the sovereignty of the independent State or States to be created, and by bringing the United Nations as a permanent factor into the picture, the Committee leaves the final issue unsettled and the door open to continuous tension and friction.
- determined in a sense very prejudicial to the Arabs, both by its terms of reference and by the general drift of the debate and the character of the proceedings at the special session of the UNO Assembly at which it was set up. Under Zionist pressure and with strong American backing for that cause, the entire session took on a markedly anti-Arab and pro-Zionist colour, and it became clear that the United Nations was going to shrink from the fundamental moral issue and that the elementary and unanswerable justice of the Arab case was going to be once more side-tracked. For this reason the Arabs of Palestine boycotted the Committee a decision now completely justified.
- Partition is not a fair and reasonable compromise. It is an almost 1000 pro-Zionist solution. It is nonsense to pretend that to divide a country between its own people and rightful owners on the one hand, and a body of invaders who have no right to it whatever, on the other, is a just way of settling the dispute between them. Moreover Partition would solve nothing but merely create two problems where only one exists today. Lastly, Partition, as the Woodhead Commission found out in 1938, is not feasible.
- Nor is the federal state solution on the basis of parity between the two communities either less unjust or more feasible than Partit on. The constitution proposed for the state would simply not work at all. It would break down on the issue of immigration alone, and the result would be deadlock and paralysis of government.
- The Arabs therefore reject the recommendations of the Committee and will reject and oppose any decision which the United Nations may take on their basis. A manifestajustice does not become just merely because the United Nations may for

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

reasons of its own decide to espouse it. The United Nations cannot alter the universal principles of international morality by which it is itself bound and from which it takes its being. It can either uphold them and so prove true to itself, or violate them and so betray its sacred trust. Nor can it defy the facts of history and geography. Historically, geographically, ethnologically and economically, Palestine is a part of the Arab world and its destiny is to develop as a part of that world. A Jewish State established in a part of it would be an anomalous body, rootless and isolated, inimical to the harmonious evolution of the Arab countries and extremely precarious in itself. Imposed by violence, it would be opposed by violence.

The Palestine case is a test for the United Nations. If its decision on this case defies the principles of democracy and justice as well as the facts of history, that decision would be defied by the Arabs, and the responsibility for the consequences will not be theirs. The Arabs have abundantly warned the world that any attempt to impose partition on PRlestine would be resisted by them with all the means in their power. Let there be no doubt whatever that they will do so and that Partition would therefore plunge the Middle East into a state of war. I cannot predict what shape that war would take nor how soon it would start but I am positive and so is every competent observer of the Middle East that to force a Jewish State on the Arabs, even in a part of Palestine, would create an explosive situation throughout the Arab world which so oner or later, and probably sooner rather than later would lead to a general out break of violent conflict. The fact that a war in the Middle East might precipitate an international conflict of incalculable dimensions would almost seem to suggest that those who are pressing for Partition in Palestine would not be averse to the outbrook of another world war.

30 .8 .47

THE PUBLIC

STATEMENT BY MUSA BEY ALAMI, DIRECTOR-GENERAL OF THE ARAB OFFICES, ON THE RECOMMENDATIONS OF THE UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE

30th August, 1947

- The first comment to be made on the recommendations of the United Nations Special Committee on Palestine is that they are utterly unacceptable to the Arabs. This applies both the majority report proposing partition and to the minority report of the Yugoslav, Indian and Iranian delegates recommending a federal bi-national state on the basis of parity.
- Secondly, the recommendations are riddled with inconsistencies and contradictions between the general principles stated as necessary to a solution and the concrete measures proposed for their implementation. On the one hand the Committee decides that the Mandate should be terminated and independence granted at the earliest possible moment. It also affirms that democratic principles and the protection of minorities must be a prior consideration of the grant of independence. On the other hand it proceeds to make specific recommendations which deny to the Arabs the most elementary democratic rights in their country. It seeks to give the Jews not the normal democratic rights of minorities in every country of the civilized world, but either territorial sovereignty in a part of Palestine or equal weight with the majority in a federal state. Again, on the one hand the Committee states that economic unity is indispensable to the life and development of the country and seeks to secure this unity by the cooperation of Arabs and Jews on an economic commission, while on the other it recommends partition on the assumption that cooperation is impossible.
- Thirdly, the recommendations do not offer any finality at all. By linking the Palestine question with the problem of European Jewry, by providing for continued immigration, by imposing limitations on the sovereignty of the independent State or States to be created and by bringing the United Nations as a permanent factor into the picture, it leaves the final issue unsettled and the door open for continuous tension and conflict.
- Partition is the easy line of least resistance which has seduced and will continue to seduce with its false semblance of justice and finality all newcomers to the Palestine problem. Ignorant of the deeper realities of the case which can only be understood by those who have lived in the country for years and followed the question from its beginnings, more concerned to get out of an embarrassing situation, even if only in appearance, than to vindicate universal principles or establish justice, the novice may easily fall into the trap of imagining that partition is the only way out of the Palestine dilemma. He is all the more prone to do this because of a certain natural reluctance to accept the shocking fact that the Zionist case, on the basis of which this whole super-structure has been raised and which is put forth with so much pressure and clamour by the Zionists and their supporters, is utterly worthless. He is apt to do this from ignorance even when he is thinking without bias and has not started from false premises and along dictated lines. This, however, cannot be said of the United Nations Special Committee whose entire approach to the question was predetermined in a sense very prejudicial to the Arabs, both by its terms of reference and by the general drift of the debate and character of the proceedings at the special session of the United Nations Assembly at which it was set up.
- Under Zionist pressure and with strong American backing for the Zionist cause, that entire session took on a markedly anti-Arab and pro-Zionist bias which was blahantly reflected in the

Committee's terms of reference. These were so framed as to favour in a decisive manner the Zionist case and to cast a serious prejudice on the Arab from the very beginning of the enquiry. The Zionist point of view was deferred to on the two crucial points at issue, namely, whether the Committee was to confine its investigation to Palestine or extend it to the problem of the displaced Jews in Europe, and whether the terms of reference should contain any directive as to the setting up of an independent state in Palestine or not. As they were framed, the terms of reference did not include any mention of independence, while on the other hand they deliberately linked by implication the Palestine question with the problem of European Jewry.

There indications made it plain that the enquiry was 6* calculated to result in recommendations which would afford a large measure of satisfaction to Zionist ambitions, whether these ambitions were just in themselves or not. They made it plain that in fact there was no intention on the part of the United Nations, whether from lack of courage or other motives, to get down to the fundamentals of the case and accept once and for all the implications of the fact that Palestine was an Arab country and that the Zionist invasion of it was an act of aggression. For this is the blunt inescapable truth of the Palestine question. This has been the Arab case, simple and unanswerable, all along. Nobody has been able to refute that case or to deny the facts on which it rests, but instead of these facts being honestly accepted together with the conclusions which, according to every principle of international morality should flow from them, namely that the Zionist invasion of Palestine should be arrested, attempt after attempt is made at so-called solutions which in fact only seek to ensure in some form or other the realization of the Zionist scheme for the continued invasion and annexation of the country with foreign help. All these attempts have started from the assumption, accepted as some axiomatic imperative, that the solution must satisfy Zionist ambitions.

The United Nations handling of the question has not differed at all from these previous attempts, whether solely British or Anglo-American. It was clear from the beginning that the United Nations was going to shrink from the fundamental moral issue and that the elementary and unanswerable justice of the Arab case was going to be once more side-tracked. For this reason the Arabs of Palestine decided to boycott the Committee, a decision now completely justified by the results of the enquiry.

Partition, far from being a fair and reasonable compromise, is in reality an almost 100% pro-Zionist solution, eagerly sought as a first step towards their ultimate goal by even the most intransigent of the Zionist leaders. It is sheer nonsense and hypocrisy to pretend that to divide a country between its own people and rightful prescriptive owners on the one hand, and a body of invaders who have no right to it whatever on the other, is a just and reasonable way of settling the dispute between them, or that in giving to an aggressor only a part of what he intends to seize, you will be doing justice to the victim of his aggression. This is the fundamental Arab objection to partition, a moral objection based on indisputable principles.

There are also a number of very weighty practical reasons why the Arabs reject partition and why indeed partition is not a feasible solution at all. These have often been set forth not only by Arab spokesmen but also by many impartial and competent judges, and notably by the members of the Woodhead Commission, which was specially set up by the British Government in 1938 to carry out the partition plan recommended by the Peel Commission, but which instead decided that partition was unworkable. The most

111 | 1 | 1 | Reference: FO 371 61877

important of these reasons are (a) that the country is too small and that it is not possible to create two viable states in it, and (b) that no line of demarcation could be drawn which could divide Palestine into a clear-cut Arab and a clear-cut Jewish part, and that therefore under the least obnoxious scheme of partition a large Arab minority of over 300,000 would be left in the Jewish part and a substantial Jewish minority of about 100,000 would be left in the Arab, so that, far from the problem being eliminated by this division, two problems would be created where now there is only one; (c) that Zionism has shown itself to be an expansionist, aggressive and terroristic movement and that to give this movement territorial sovereign in a part of Palestine would constitute an intolerable menace to the rest of the country.

- It may be that in recommending partition in Palestine 10. the United Nations Committee was influenced by the example of India. But the Indian case does not present a true analogy at all. Fundamental differences exist between the two cases. In India the conflict was one between two sections of the indigenous population, both Indian in the full sense of the word, long-established in the country and having an indisputable prescriptive right to it; whereas in Palestine the conflict is between the indigenous people and rightful owners of the country on the one hand and an immigrant community, on the other, which has forced an entry into the country in the last few decades with foreign help. Secondly, the conflict in India was a natural one, springing from the internal conditions and history of the country and from the composition of its population, but in Palestine the conflict is an artificial one which was imported into the country by the Zionists and the British Government which undertook to sponsor their cause and without whose support the Zionists would have never created a problem in Palestine. Thirdly, in India something like national homogeneity in either part can be achieved by partition, but not in Palestine. Fourthly, India is an enormous country, in which it is possible to create two viable states, but not so Palestine. Fifthly, partition in India was not imposed upon the majority but was an agreed solution, whereas in Palestine it would have to be imposed by force on the Arab majority and in defiance of the feelings of all Arabs. In these cirsumstances, far from resolving the tension between Jews and Arabs, it would greatly aggravate it and render the struggle more dangerous for the peace of the world by changing it from an internal struggle within one country tnto an international one.
- As for the other solution, that of a federal bi-national 11. state on the basis of parity, recommended by the Yugoslav, Indian and Iranian members of the Committee, and obviously inspired by Mr. Gromyko's speech in the concluding stage of the United Nations Assembly special session of last April, that again is open to the gravest objections and is a solution that can only be recommended by, and find favour with, those who have no real knowledge of the problem. is a general tendency to regard this recommendation as offering a pro-Arab solution. It is assumed that the Indian and Iranian delegates would not have given it their support if it did not seem to them to be just to the Arabs. It is true that India and Iran are from motives of sentimental solidarity with the Arabs deeply concerned to see justice done to them, but the Indian and Iranian members of the Committee had no more experience in the matter than the other members, and the fact that the bi-national state solution may have seemed to them to be just to the Arabs or at least to be the lesser of the two evils proposed, does not

, ,

In fact make it either a pro-Arab or a just or a workable solution.

12. To begin with, this solution envisages a period of three years during which immigration is to continue, regulated by a commission of three Arabs, three Jews and three members of the United Nations, presumably in order that the 100,000 Jewish immigrants, whose entry was originally demanded by Mr. Truman and subsequently pressed for by the Anglo-American Committee of Enquiry, are to be brought in before Palestine becomes independent and has a government of its own to decide its immigration policy. This means the continuation of the Zionist invasion of the country and of the attempt to alter forcibly the balance of population in it in favour of the Jews. It is another unjustifiable concession to the Zionist tactic of exploiting the plight of refugees in Europe to further their political designs on Palestine. It is another denial of democratic rights to the native people of Palestine and the majority in it.

13. As for the bi-national state which is to be set up at the end of the three years, the constitution proposed for it is open to two fundamental objections: the first, one of principle; the second, one of practical common-sense. The objection of principle is that it is unjust and undemocratic to give the minority, and an immigrant minority at that, the same weight in the government as the native majority and so place in its hands the power to frustrate and veto the wishes of the majority and paralyse all government if it chose. The eemmon-sense objection is that this fantastic Abhe Sièyes constitution of checks and counter-checks, designed to produce an acrobatic kind of equilibrium, will simply not work in the conditions of Palestine. The most crucial issue in Palestine is that of immigration. On that issue the two parties are diametrically opposed and no amount of constitutional Augglery can make the Arabs agree to immigration or the Jews renounce it, or can prevent a continuous deadlock on this issue in a bi-national state based on parity, and a consequent breakdown of government.

Both solutions put forward by the United Nations Committee are therefore utterly unacceptable to the Arabs and will be rejected and impectably opposed by them. Let repeat that for the Arabs, as for any honest man or weman who really knows the case, the Palestine question is net a genuine problem at all, but a straightforward case of open aggression against a self-evident and indisputable right. It is idle and hypocritical to pretend that it is something very complex and difficult to solve. It is disingenuous to go on inventing solutions that ignore the fundamental fact that Palestine is an Arab country, belonging of right to the Arabs who are its indigenous people and the vast majority in it. If this fact is honestly and courageously accepted, the solution becomes obvious and imperative. The Zionist invasion must stop, the country be given its independence without mutilation and a democratic government set up in it in which the will of the majority shall not be artificially fettered. This and nothing else is the solution. The Arabs know that if justice were the only criterion or even the principal criterion, this would be the solution. They know that if neigher Britain nor the United Nations had dared or been willing to accept and apply this solution, it is because other considerations than justice have dictated and still dictate their actions strategic interests; the formidable pressure and clamour of the Zionists, particularly in the United States and

-O 371 6187

14.

through her in all the countries amenable to her will; and the selfish and unworthy desire of most countries to solve the Jewish problem at the expense of a ready-tp-hand scapegoat. It is these countries and not the Arabs who are the enemies of the Jewish people, and whether they realise it or not, the enemies of world peace.

- 13. The Arabs reject the recommendations of the Committee and will reject and oppose any decision which the United Nations may take on their basis. A manifest injustice does not become just merely because the United Nations warm may for reasons of its own decide to espouse it. The United Nations cannot alter the universal principles of international morality by which it is itself bound and from which it takes its being. It can either uphold them and so prove true to itself or violate them and so betray its sacred trust. Nor can the United Nations defy the facts of history and geography. Historically, geographically, ethnologically and economically, Palestine is a part of the Arab world and its destiny is to develop as an integral part of that world. A Jewish state set up in part of it want be an anomalous foreign body, rootless and isolated, inimical to the harmonious evolution of the Arab world and extremely precarious in itself. Imposed by violence it would be opposed by violence.
- The Palestine case is a test for the United Nations. If its decision on this case defies the principles of democracy and justice, as well as the facts of history, then that decision will be defied by the Arabs and the responsibility for the consequences will not be theirs.
- 170 The Arabs have abundantly warned the world that any attempt to impose partition on Palesting would be resisted by them with all the means in their name. Let there be no doubt whatever that they would do so and that parkition would therefore plunge the Middle East into a state of war. I cannot predict what shape that war would take nor how soon it would start, but I am positive and so is every competent observer of the Middle East that to force a Jewish state on the Arabs, even in a part of Palestine, would create an explosive situation throughout the Arab world which sooner or later, and probably sooner rather than later, would lead to a general outbreak of violent conflict. The fact that a war in the Middle East might precipitate an international conflict of incalculable dimensions would almost seem to suggest that those who are pressing for partiti tion in Palestine would not be averse to the outbreak of another world war.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference:-FO 371 61877

alestine E8124 /G -3 SEP 1947 EASTERN Activities of Fanzi Kawakii in Syria E 8124/95/19 Copy toto to chancery Damas enstrom elvief Coeresoys Opie, vernealem. C.O comma CXII mas & com Takenson & Some (Minutes) Last Paper We may have a further approach EATOA from the Co : but bending that EY294/951/9 action is required Mr Beeley #13. 199 to sure 9 (Print) (How disposed of)

(Action completed)

Next Paper

33744

COPY 3 SEP 1947

Reference No. C.S. 749.

TOP SECRET

Colonial Office and No. Cx/l

With the contact of Ma Trappe Suite

(in a 2/9/4)

Formence for letter of 20/6/47 - E 7297/95

Chief Secretary's Office,

Jerusalem,

Palestine,

15th August, 1947.

Dear Chancery,

Please refer to Mr. Scrivenor's letter to
Mr. Baxter of the 30th June, 1947, regarding the activities
of Fawzi Kawakji in Syria. We append below a report of
an interview given by Kawkji to the United Press correspondent
in Beirut which was taken from the Egyptian press by a
Hebrew newspaper here and prohibited by the Press Censor:-

"We are waiting for the outcome of the UNSCOP If the decision is in favour of the Jews, enquiry. we shall be faced by two alternatives: either the Arab Governments will embark upon a war or we will have to initiate a total war. We will murder, wreck and ruin everything standing in our way, be it English, American or Jewish. Your press will then proclaim with much beating of drums, that we are savages, robbers, blackmailers, etc. They will call us Nazis and Communists. The press may write what they like, but we will go on with our task. Yet, if our endeavours will be crowned by success and if we shall proceed rapidly on the road to victory, the very same papers will change their tone and will trumpet loudly: "The Arab Nationalist advance on all fronts" or "The Arab cause is a just one" et. etc...."

After every uprising our claims are being heeded and recognised as just ones. For instance the terrorist activities of the Jews attract the attention of the whole world. And so I maintain, that all depends not upon justice or any decisions taken, but upon nothing but force.

In case of war every Jew will be the foe of every Arab and we shall regard him as such whether he be living in Palestine or any other Arab country.

I trust that the U.S.A. and Great Britain will at length realise that the Arabs do know how to safeguard their rights and interests, and particularly now, when the world is divided into two blocks.

The vital importance of oil in the world is bound to have a tremendous bearing upon the American and British attitude, so that they will at least bear in mind and pay heed to our aspirations and act accordingly..."

The correspondent adds:-

"When I pointed out to Kawkji, that the Arabs are not capable of conducting a modern war without proper equipment worth of this name and without an unfified command, the former head of the rebellion replied: "More than the arms I value the people who will be conducting this holy war. All those who fought and will fight under my command know that the goal of our war is the rescue of our country. I should not like to command an army of mercenaries, even equipped with the most modern arms..."

Chancery, British Embassy, Damsseus.

2./

2. We have not been able to trace the original appearance of this stuff in the Egyptian press but we feel that you may care to make it the subject of further approaches to the Syrian Government since it is in no way secret and amounts to an open incitsment to anti-British violence.

J. We are sending a copy of this letter to the Colonial Office who, we understand, have written to the Boreign Office stressing the importance of discouraging Kawakji's military preparations, and to the Chancery, Cairo, who may be able to supply the original Egyptian account of the interview.

Very value of Vispersons of the Course of the Cause of Cause of the Cause of Cause of the Cause of the Cause of the Cause of the Cause of Cause of the Cause of Cause of Cause of the Cause of Cause of the Cause of Cau

Alter every upristing our el-las are being hasded and, recogniss has tell and, a recogniss destated to see the control of the settivities of the destate the settivities of the destate the control of the recognist of the first all described to settivities of the factor. The settine of the factor of the factor of the fill of the coronal of the factor o

privil 3 SEP 1947 s to set illus well greve year to see all series will be seen and the series of the see the second series of the second second series of the second seco

1 tous the first the 1.1.8.1.8.1 and tous tous to first to for the form of the construction of the first tous of the first the first tous of the first tous

The vital importance of cilis the world to be because the knerican. Becaute to have a tremendent beauting upon the American.

And Brithed athiode, of thet they will at least book in about the windered coordingly

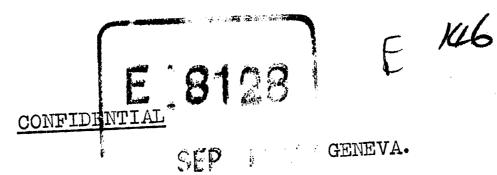
Dhe correspondent nads:-

When I pointed out to Markil, that the report on not conducted conducting of solders war without proper equipment went of this best and without on satified consend, the former hand of the rebellion replied: word than the sine I value the people who will be conducting this holy wer. All those who fought and will flight under my confined know that the goal of car country. I should not like to commend in error of consentry. I should not like to commend in error of consentry. I should not like to commend in error of consentry. I should not like to commend in error of consentry.

1111111 Reference: FO 371 61877

'Chancely, British Codestor, Dynkscoot.

E 8128 145 SEP ! 1947 PALESTINE UNSCOP Report. on the fellierray of forthe enclosing copy of report of unscal to unscal the first Registry E8/28/957/31. UNSCOP. & General according. Received in Registry (Minutes.) Last Paper. Su E 8214 \$090 8124 HB. 7 References. Now see juised took in E 8433 (Print.) (How disposed of.) (Index.) (Action completed.) Next Paper. \$133



26.

1st September, 1947.

Sir,

I have the honour to forward herewith a letter in original addressed to you by Dr. Victor Hoo, the Personal Representative of the Secretary-General with the United Nations Special Committee on Palestine, together with a copy in English of the Report of this Committee to the General Assembly. This letter with its enclosure was handed to me to-day by Dr. Hoo for transmission to you.

I have the honour to be,
With the highest respect,
Sir,
Your most obedient, humble Servant,

De machillwoy.

D.C. MacGillivray, Liaison Officer.

The Rt. Hon. Ernest Bevin, M.P., Etc. etc. etc.

h

NATIONS



NATIONS

SPECIAL COMMITTEE ON PALESTINE

COMITE SPECIAL DE PALESTINE Palais des Nations, Geneva, Switzerland, 1 September 1947

His Majesty's Principal Secretary of State for Foreign Affairs Foreign Office, Downing Street, London, S.W.1.

Sir,

I have the honour to transmit to you herewith a copy in English of the main body of the Report of the United Nations Special Committee on Palestine, which was signed at Geneva on August 31. Due to the shortness of time between the completion of the report and the opening of the General Assembly, this copy, without annexes, is being transmitted to you in advance of the regular distribution of the complete report by headquarters at Lake Success. It is requested that the report be considered as confidential until it has been published at Lake Success.

Since the report has been adopted in English only, the French version will be forwarded to you as soon as possible.

I have the honour to be,

Sir,

Your obedient servant

Personal Representative of the Secretary-General with the United Nations Special Committee on Palestine.

RECORD OFFICE, 61877 **LON DON**

United Nations

GENERAL ASSEMBLY

8/28/95// Nations Unies

ASSEMBLEE GENERALE

RESTRICTED

A/AC.13/82 31 August 1947

ORIGINAL: ENGLISH

REPORT TO THE GENERAL ASSEMBLY

BY

THE UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE

Geneva, Switzerland

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON 61877

TABLE OF CONTENTS

			•	Page
		· .	•	2.2.2
PREFACE		• •	• •	iii
INTRODUCTION				iv
TMTMODOCTTON		••	• J	
CHAPTER I	. THE ORIGINS AND ACTIVITIES OF UNSCOP)		
	A. Creation of the Special Committ			
	Its terms of reference and			/ / .
	composition B. Summary of activities of the	• •	• •	+
	Special Committee	• •		6
1			i	
CHAPTER II.	- THE ELEMENTS OF THE CONFLICT			k ************************************
	A. Geographic and demographic fact	,ors	• •	19
	B. Relevant economic factors	• •	• •	27 43 74
•	C. Palestine under the Mandate			43
	D. The conflicting claims	• •	• •	74
CHAPTER III.	- RELIGIOUS INTERESTS AND HOLY PLACE	es	• •	91
CHAPTER IV.	- THE MAIN PROPOSALS PROPOUNDED FOR T SOLUTION OF THE PALESTINE QUESTION	CHE ON		
	General	• •	• •	97
	Main proposals of Commissions and			(
•	British Government plans prior	to the	ł .	97
•	creation of the Committee	••	• • .	100
	Proposals submitted to the Committee	3 E	• •	200
CHAPTER V	- RECOMMENDATIONS (I)			í
	Introductory statement	• •	. • • .	105
	Section A. Recommendations		•	1
	approved unanimously Section B. Recommendation	• •	• •	107
	approved by substantial			770
	majority	• •	• •	119

	•	•						•
A/AC.13/82			•					
Page ii								
Tage TT				•				Page
		•						Page
CHAPTE	R VI.	- RECOMMEN	DATIONS (II)					121
		1000 O 111 111 11 11 11 11 11 11 11 11 11 11	mittoin (TT)	• •	• • .	• •	• •	121
•		Dont T	777		•			
		rare 1.	Plan on part	cition w	ith e	conomic		
7		union	• • •	• •	• •	• •	• •	121
•		Just	tification	• •	• •	• •		122
•		Reco	ommendations		• •			125
•		•	, .,		* *	• •	••	/
		Δ.	. Partition a	nd inde	oendor	500	•	305
		13	manaitions	ard Tirrel	nerider	ICA	• •	125
		D ₀	Transitiona	T berro	and			
	•		constitut		• •	• •	• •	. 125
			Declaration		• •	• •	• •	128
•		\mathbf{D}_{ullet}	Economic Un	ion	• •	• •	• •	131
		E.	Assets				• •	133
		F.	Admission t	o member	chin		•,•	
			United Na	tions	. OILLE	TIL OHG		100
			Ourreed Ma	OTOHS	4 •	• •	• •	13 3
	1	۸٠	Anna da Dana a a a a					
·		A CO	mmentary on	partitio	n	• •	• •	133
								-
		Part II.	Boundaries	• •	• •	• • `		136
							. • .	. •
		Part III.	City of Je	misalem				144
					• •.	• •	. • •	
CHAPTER	VTT.	- RECOMMEN	DATIONS (III	١	,		•	
V:## 144	· · · · · · · · · · · · · · · ·	Terrodotarana	DUTTOMO (TTT	/				
,		n 15 3 a						
		Federal S			•	•		•
		Justif	ication for	the fede	ral s	tate		
		soluti	on	• •	• •	• •	• • ·	147
				-	• •		• • •	
		Recommend	ations					
					•		-	
•		T Th	a independent		o & Da	1 - -		7 50
		TT Com	e independent	Suace	or Pa	restine	•	150
		TT. Om	tline of the	structu	re an	d requi	red	
			provisions in	n the co	nstit	ation o	f	
			Palestine	• •	• •	• •	• •	152
		III. Bo	oundaries of	the Ara	b and	Jewish	1	
		1	states in the	indene	ndent.	state		
			of Palestine		1140110			7 600
					• •	• •	• •	157
	•		apitulations		• • .	• •	• •	157
		V. Th	ne Holy Place	s, reli	gious	intere	sts	
		_	and Jerusale					
			A. Religiou	s inter	ests a	and Hol	y	
			Places		• •	• •	• · · ·	157
			B. Jerusale		••	••	• •	
			C. Irrevoca		•• \ f :\	• • . 	· ·	160
		ur e					ර .	1,60
		AT. TI	ternational					
			Jewish displ			•••	• •	160
			wish immigra	tion int	to			
			Palestine	• •		• •	• •	161
			•			- -	- -	-n - 7-
CHAPTER	VIII.	- RESERVAT	IONS AND OBS	ER\\ ጥT∩\	IS.			725
~		Amount to A 4.2 T.	שלים תוחו היים	THINTTOL	W .	• •	• •	165

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

PREFACE

The Special Committee has completed its task within the limited period of three months fixed by the General Assembly. This has entailed great pressure of work. Every effort has been made to avoid as far as possible unforgivable errors and lacunae. It may, however, be foreseen that defects will be discovered by those who have been studying the Palestine question for years.

The problem of Palestine is not one the solution of which will emerge from an accumulation of detailed information. If such had been the case, it would have been solved long ago. Few countries have been the subject of so many general or detailed enquiries - official and unofficial - especially during the last decade. The problem is mainly one of human relationship and political rights. Its solution may only be reached through a correct appreciation of the situation as a whole and an endeavour to find a human settlement. In this respect the opinions of members of an international committee who represent various civilisations and schools of thought and have approached the question from different angles may be of some value.

While a majority and a minority plan are proposed for the settlement of the Palestine question, it must be noticed that both plans are derived from findings and principles most of which have been agreed to unanimously.

Such unanimity may assist the General Assembly in solving a question whose complexity and numerous aspects - some of them fraught with so much human tragedy - have frustrated all previous efforts.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

INTRODUCTION

The present volume contains the Report and Recommendations submitted by the Special Committee on Palestine to the Second Session of the General Assembly of the United Nations: It comprises a preface, eight chapters, an appendix and a series of annexes.

The factual information presented in the first four chapters is intended to illustrate the various phases of the Committee's work and to serve as a background to the problem with which it dealt.

Chapter I describes the origin and constitution of the Special Committee and summarises its activities in Lake Success, Jerusalem, Beirut and Geneva.

Chapter II analyses the basic geographic, demographic and economic factors, and reviews the history of Palestine under the Mandate. The Jewish and Arab claims are also set forth and appraised.

Chapter III deals with the particular aspect of Palestine as the Holy Land sacred to three world religions.

Chapter IV consists of an analysis and recapitulation of the most important solutions put forward prior to the creation of the Committee or presented to it in oral or written evidence.

The following three chapters contain the recommendations and proposals which are the main result of the work of the Committee during its three months of activity.

In Chapter V eleven unanimous recommendations on general principles are put forward. A further recommendation of a similar nature, which was adopted with two dissenting votes is also recorded.

Chapters VI and VII contain respectively a majority and a minority plan for the future government of Palestine, including provisions for boundaries.

The final Chapter provides a list of the reservations and observations by certain delegations on a number of specific points. The text of these reservations and observations will be found in the Appendix to the Report.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

A/AC.13/82 Page 1

CHAPTER I

THE ORIGIN AND ACTIVITIES OF UNSCOP

A. Creation of the Special Committee: Its Terms of Reference and Composition.

Convocation and Agenda of the Special Session of the General Assembly

- 1. On 2 April 1947, the United Kingdom Delegation addressed a letter to the Acting Secretary-General of the United Nations, requesting that the question of Palestine be placed on the agenda of the next regular session of the General Assembly and further, that a Special Session of the General Assembly be summoned as soon as possible for the purpose of constituting and instructing a special committee to prepare for the consideration of the question by the Assembly at its next regular Session. The letter also indicated that the United Kingdom Government would submit to the General Assembly an account of their administration of the Palestine Mandate and would ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine. (1)
- 2. Acting in accordance with Rule 4 of the Provisional Rules of Procedure of the General Assembly, the Secretary-General communicated the request for a special session to the Member States. By 13 April 1947 the requisite majority had concurred with the request, and the Secretary-General summoned the first Special Session of the General Assembly to be opened at the General Assembly Hall, Flushing Meadows, New York, on 28 April 1947.
- 3. Five Member States (Egypt, Iraq, Syria, Lebanon, and Saudi Arabia) communicated to the Secretary-General the request that the following additional item be placed on the agenda of the Special Session: "The termination of the Mandate over Palestine and the declaration of its independence."
- 4. The General Committee of the Assembly recommended the inclusion in the agenda and the reference to the First Committee of the item submitted by the United Kingdom Government, but, after due consideration at its 29th,

copyright of the Public Record Office, London

1 2 3 4 5 6 Reference: FO 371 61877

⁽¹⁾ Text of letter attached as Annex 1.
(2) Texts of communications (Documents A/287 through A/291) attached as Annex 2.

A/AC.13/82 Page 2.

30th and 31st meetings of the item submitted by the Arab States, decided by a vote of 8 in favour, 1 against, with 3 abstentions, not to recommend the inclusion of that item on the agenda.

- 5. The recommendations of the General Committee were subsequently adopted by the General Assembly at its 70th and 71st plenary meetings.
- 6. Hence, the sole item on the agenda of the Special Session was that submitted by the United Kingdom Government, viz., "Constituting and Instructing a Special Committee to prepare for the Consideration of the Question of Palestine at the Second Regular Session". In accordance with the decision of the General Assembly, the item was referred to the First Committee of the Assembly for its consideration.

Hearings

- 7. Acting in consequence of a recommendation of the General Committee, the General Assembly decided also that the First Committee should grant a hearing to the Jewish Agency for Palestine, and should take a decision upon communications from other organisations seeking to express their views on the Palestine problem.
- 8. After discussion, the First Committee determined at its 48th meeting to grant a hearing to the Arab Higher Committee, a decision which the General Assembly declared to be a correct interpretation of its intention.
- 9. Accordingly, representatives of the Jewish Agency for Palestine and the Arab Higher Committee presented their views with regard to the constituting and instructing of the special committee which might be created by the Assembly. (1)
- because it was considered that the organisations in question did not fulfil the requirement established by the First Committee, viz., that the organisations heard should represent a considerable element of the population of Palestine.

 It was noted that this decision did not exclude the possibility of these organisations being heard by the committee of investigation once it had been established.

 Statement by the United Kingdom Representative
 - 11. At the first meeting of the General Committee, the Representative of India /questioned

⁽¹⁾ Jewish Agency for Palestine: 50th, 52nd, 54th, 55th meetings.
Arab Higher Committee: 52nd, 55th meetings.

A/AC:13/82 Page 3

questioned Sir Alexander Cadogan about a statement made by "an authoritative representative" of the United Kingdom Government that, whatever the recommendations of the United Nations, the United Kingdom was not prepared at this stage to say that it would accept these recommendations. Sir Alexander Cadogan replied that the actual statement had been, "I cannot imagine His Majesty's Government carrying out a policy of which it does not approve". This did not mean that the Government would not accept any recommendation of the Assembly, but only that it would not carry out a decision it felt to be wrong.

12. The representative of the United Kingdom made a further statement of explanation of his Government's stand at the 52nd meeting of the First Committee. He said then, inter alia, "We have tried for years to solve this problem of Palestine. Having failed so far, we now bring it to the United Nations, in the hope that they can succeed where we have not. If the United Nations can find a just solution which will be accepted by both parties, it could hardly be expected that we should not welcome such a solution. All we say - and I made this reservation the other day - is that we should not have the sole responsibility for enforcing a solution which is not accepted by both parties and which we cannot reconcile with our conscience."(1)

Decisions of the First Committee

- 13. The First Committee held twelve meetings in its consideration of the question of constituting and instructing a special committee on Palestine.
- 14. With regard to the terms of reference, it was generally agreed that the special committee should be given the broadest competence to conduct its investigation and to ascertain the facts of all issues relevant to the problem. The Committee approved the final text of the terms of reference at its 55th and 56th meetings.
- primarily on the question of the inclusion or non-inclusion of the five permanent Members of the Security Council. After a lengthy debate, the Australian resolution, providing that the special committee should consist of eleven members, not including the five permanent Members of the Security Council, was /adopted

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6

Reference: FO 371 61877

⁽¹⁾ cf. Document A/C.1/P.V.52, pp. 66-67.

A/AC.13/82 Page 4

adopted at the 57th meeting by a vote of 13 in favour, 11 against, with 29 abstentions. The following composition of the Committee was subsequently approved by a vote of 39 in favour, 3 against, with 10 abstentions: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, and Yugoslavia.

Final Decisions of the General Assembly

- 16. The report of the First Committee, including its final resolution concerning the composition and the terms of reference of a special committee on Palestine was discussed by the General Assembly at its 77th, 78th, and 79th plenary meetings.
- 17. The General Assembly adopted the recommendations of the First Committee by a final vote (on the resolution as a whole, after having voted each paragraph) of 45 in favour and 7 against, (1) with one abstention. (2)
- 18. The text of the final resolution constituting and instructing the United Nations Special Committee on Palestine is as follows:

"WHEREAS the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next regular session of the Assembly a report on the question of Palestine,

"The General Assembly

"RESOLVES that:

- "1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, and Yugoslavia;
- "2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine;
- "3. The Special Committee shall determine its own procedure;
- "4. The Special Committee shall conduct investigations in Palestine and wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the Mandatory Power, from representatives of the population of Palestine, from Governments and from such organisations and individuals as it may deem necessary;
- "5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity;
- "6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine;

 /"7. The Special

(2) Siam

copyRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

⁽¹⁾ Afghanistan, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Turkey.

"7. The Special Committee's report shall be communicated to the Secretary-General not later than 1 September 1947, in order that it may be circulated to the Members of the United Nations in time for consideration by the Second Regular Session of the General Assembly;

"The General Assembly

"8. REQUESTS the Secretary-General to enter into suitable arrangements with the proper authorities of any state in whose territory the Special Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Special Committee;

"9. AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each government represented on the Special Committee on such basis and in such form as he may determine most appropriate in the circumstances."

19. At the same meeting (the 79th) the General Assembly unanimously adopted (with a number of abstentions) the following resolution proposed by the Representative of Norway:

"The General Assembly calls upon all Governments and peoples and particularly on the inhabitants of Palestine, to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine."

Membership of the Committee and Secretariat

20. In answer to a telegram from the Secretary-General requesting that representatives to the Special Committee be named as early as possible, the governments of the eleven states which comprise the Committee communicated the appointment of the following delegates and alternates:

and the state of t

Australia .	Mr. J.D.L. Hood, Delegate Mr. S.L. Atyeo, Alternate
Canada	Justice I.C.Rand; Delegate Mr. Leon Mayrand, Alternate
Czechoslovakia	Mr. Karel Lisicky, Delegate Dr. Richard Pech, Alternate
Guatemala	H.E. Dr. Jorge Garcia Granados, Delegat Mr. E.Z. Gonzales, Alternate
India	Sir Abdur Rahman, Delegate Mr. Venkata Viswanathan, Alternate Mr. H. Dayal, Second Alternate
Iran	H.E. Mr. Nasrollah Entezam, Delegate Dr. Ali Ardalan, Alternate
Netherlands	Dr. N. S. Blom, Delegate Nr. A. I. Spits, Alternate
	/Peru

Peru

H.E. Dr. Alberto Ulloa, Delegate

H.E. Dr. Arturo Garcia Salazar, Alternate

Sweden

Justice Emil Sandstrom, Delegate

Dr. Paul Mohn, Alternate

Uruguay

Professor Inrique Rodriguez Fabregat, Delegate

Mr. Secco Ellauri, Alternate

Yugoslavia

Mr. Vladimir Simic, Delegate

Dr. Jose Brilej, Alternate

21. The Secretary-General, in accordance with paragraph 8 of the resolution constituting and instructing the Special Committee, designated a Secretariat of 57 members, headed by Dr. Victor Hoo (Assistant Secretary-General in charge of Trusteeship and Information from Non-Self-Governing Territories), as the Secretary-General's Personal Representative to the Committee, and Dr. Alfonso Garcia Robles (Director, General Political Division, Department of Security Council Affairs), as Principal Secretary.

- B. Summary of the Activities of the Special Committee.
- 22. The Special Committee on Palestine held its first meeting at the interim headquarters of the United Nations at Lake Success, New York on Monday, 26 May 1947 at 3 p.m.
- 23. From that date until 31 August 1947, the day of the signature of this Report, the Committee has held 16 public meetings and 36 private meetings. The activities of the Committee are, for the purposes of this summary, divided according to its place of meeting, i.e. Lake Success, Jerusalem, Beirut, and Geneva.

Work of the Committee at Lake Success

24. The first meeting was called to order and presided over by the Secretary-General of the United Nations, who welcomed the Committee and spoke of the importance of its task. The Members received the first three volumes of the Working Documentation on Palestine prepared by the Secretariat. (1)

Volume I, "Reference Library on Palestine" (Document_A/AC.13/1, 82 pages);
Volume II, "Principal Documents of Governments and Recognized Agencies
Suggesting Solutions of the Palestine Question, and Reactions Thereto",
(Document A/AC.13/2, 356 pages);
Volume III, "General Background Survey" (Document A/AC.13/3, 294 pages).
The following two volumes were later added to this documentation and
distributed at Geneva:
Volume IV, "Tabulated Summary of Material Contained in the Written and
Oral Statements Submitted to the Special Committee on Palestine Before
Their Departure from Jerusalem", (Document A/AC.13/69, 221 pages);
Volume V, "Index to Records of the First Special Session of the General
Assembly", (Document A/AC.13/74, 60 pages).

- 25. The Committee decided to continue its meeting in private in order to exchange points of view on its future work. After an exploratory discussion, it was agreed to create a Preparatory Working Group which should produce some suggestions on various organisational matters for the consideration of the Committee.
- 26. The Preparatory Working Group held three meetings at the Empire State Building and presented its suggestions to the Committee at the second meeting held at Lake Success on Monday, 2 June 1947.
- 27. At this second meeting and at the third and fourth meetings, held respectively on 3 and 6 June, the Committee took the following main decisions:
- a) Justice Emil Sandstrom (Sweden) and Dr. Alberto Ulloa (Peru) were elected Chairman and Vice Chairman, respectively.
 - b) Provisional Rules of Procedure (1) were adopted.
- c) It was decided to request statements in writing from the organisations which had asked to be heard in New York, but not to grant any hearings there before the Committee's departure.
- d) It was agreed to postpone until arrival in Palestine any discussion of communications from displaced persons requesting that the Committee visit assembly centers in Europe.
- e) Rule 31 concerning the designation of Liaison Officers was communicated to the Mandatory Power, the Jewish Agency for Palestine and the Arab Higher Committee.
- f) A tentative plan of work was adopted, in the sense that, upon its arrival in Palestine, the Committee should, first, ask the Government of Palestine to furnish factual information on its constitution and functions together with other relevant data; second, request the arab and Jewish Liaison Officers to present observations on this statement; third, make a brief survey of the country; and fourth, conduct hearings.

Work of the Committee in Palestine

28. The Committee arrived in Palestine in stages on 14 and 15 June and met for the first time in Jerusalem (Fifth meeting) on Monday 16 June, 1947 at the Y.M.C.A. Building,

/A. Decisions

⁽¹⁾ Annex 3.

a) Decisions on the Program of Work.

29. The Committee acted upon the decision taken at its last meeting in New York to visit various parts of Palestine. In drawing up the itinerary, three documents were taken into account: a draft itinerary proposed by the Government of Palestine, another suggested by the Jewish agency for Palestine, and a third prepared on the basis of these two documents by the Delegate of Netherlands. The suggested itineraries were referred for study and report to a Subcommittee (Subcommittee 1) composed of the Alternate Representatives and presided over by Dr. Ralph Bunche of the Secretariat. On the basis of their suggestions, the Committee approved in subsequent meetings the itinerary which was undertaken from 22 June to 3 July, a detailed description of which is set out as Annex 4.

b) Designation of Liaison Officers.

- 30. The Government of Palestine informed the Committee that it had appointed Mr. D. C. MacGillivray to be responsible for liaison with the Committee and that Mr. H. C. Dobbs should assist on administrative matters. The Jewish Agency for Palestine named as its Liaison Officers, Major Aubrey S. Eban and Mr. David Horowitz.
- 31. The Committee was further informed at its 37th meeting that the Mandatory Power had appointed Mr. D. C. MacGillivray to act in Geneva as its Liaison Officer to the Committee within the meaning of Rule 31 of the Provisional Rules of Procedure.

c) Non-cooperation of the Arab Higher Committee.

- 32. At its fifth meeting (the first meeting held in Jerusalem) the Committee was informed by a cablegram from the Secretary-General of the United Nations of the decision of the Arab Higher Committee to abstain from collaboration with the Special Committee. (1) The communication was read at the seventh meeting, with the result that while the Committee unanimously expressed its hope to secure the cooperation of all parties, it decided not to take any formal action, considering that the Chairman had on the previous day made an appeal by radio for the full cooperation of all parties. (2)
- 33. The Committee discussed again at its 22nd and 23rd meetings on 8 July the question of addressing to the Arab Higher Committee a further request for cooperation. The Committee reaffirmed its conviction as to the desirability of /securing

⁽¹⁾ Annex 5.

⁽²⁾ Annex 6.

securing Arab cooperation, and after discussion as to the means by which this might best be accomplished, decided to address a letter (1) directly to the Arab Higher Committee expressing that the Special Committee had noted with regret the decision of the former not to cooperate, and repeating the Special Committee's invitation for full cooperation as expressed by the Chairman in his broadcast of 16 June.

34. On 10 July a letter was received from Mr. Jamal Husseini, Vice-Chairman of the Arab Higher Committee, stating that the Committee found no reason to reverse the previous decision to abstain from collaboration submitted to the Secretary-General of the United Nations on 13 June 1947. (2)

- d) Oral and Written Testimony from Governments, Organisations, Religious Bodies, and Individuals.
- 35. In accordance with its decision taken at Lake Success, the Committee devoted its sixth meeting to the reception of factual information presented by representatives of the Government of Palestine, Sir Henry Curney, Chief Secretary, and Mr. D. C. MacGillivray. At the request of the witnesses, and in view of the situation prevailing in Palestine, the meeting was held in private.
- 36. Representatives of the Jewish Agency for Palestine, Mr. M. Shertok and Mr. D. Horowitz, were given an opportunity at the eighth meeting to present their views on the "Survey of Palestine" published by the Palestine Government and to give information similar to that submitted at the sixth meeting by the Government officials.
- 37. At its tenth meeting the Committee considered that a sufficient number of requests for hearings had been received to justify the nomination of a Subcommittee to deal with the matter. Accordingly, Subcommittee 2 was constituted comprising the Delegates of Australia, Netherlands, Uruguay and Yugoslavia together with the Personal Representative of the Secretary-General. Dr. N. S. Blom, Representative of Netherlands, was elected Chairman. The Subcommittee held two meetings on 24 and 25 June and presented to the Committee at its 13th meeting recommendations as to (a) the criteria by which hearings should be granted and (b) a list of organisations and individuals who should be heard on the basis of these criteria. The recommendations were approved with minor changes. (3)

(2) Annex 8.

⁽¹⁾ Annex 7.

³⁾ Text of Subcommittee Report, Document A/AC.13/SC.2/5; Decisions of the Committee regarding oral hearings summarized in Document A/AC.13/27.

- 38. The Subcommittee presented three more reports, (1) including recommendations. On the basis of these reports and after having considered directly a number of applications for hearings, the Committee decided to grant hearings in Jerusalem to the Government of Palestine, to the Jewish Agency for Palestine, to a number of other Jewish organisations and religious bodies, and to Dr. Chaim Weizmann in his personal capacity. (2)
- 39. Upon the suggestion of some members of the Committee that the opinions of the Arab States be heard, the Committee resolved to invite the Arab States to express their views on the question of Palestine.
- 40. It was decided that a letter should be addressed to this effect by the Personal Representative of the Secretary-General to the Consular Representatives in Jerusalem of Egypt, Iraq, Lehanon, Saudi Arabia, Syria, and Transjordan, and to the Government of Yemen through the Consul General of Lebanon, (3) leaving to the Arab States in conference among themselves the choice of a time and place mutually convenient to them and the Committee.
- 41. Letters of acceptance were received from Egypt, Iraq, Lebanon, Syria, and Saudi Arabia with the information that Beirut had been designated as the place of meeting. (4)
- 42. The Consul General of Transjordan replied for his Government that, since Transjordan was not a member of the United Nations, it was not prepared to send a delegate outside the country to give evidence, but that it would welcome the Committee or any of its members who might wish to pay a visit for that purpose to Transjordan. (5)
- 43. Having taken note of this communication, the Committee determined at its 34th meeting to inform the Consul-General of Transjordan that it regretted the decision of his Government not to send a delegate to Beirut; that the Committee, owing to the pressure of time, could not go at that moment to Transjordan; and that it would inform the Representative of Transjordan in Beirut whether upon the /completion

(1) Second, third, and fourth Reports of Subcommittee, Documents A/AC.13/SC.2/7, 9, and 10, respectively.

(3) Text of letters reproduced as Documents A/AC.13/48 and A/AC.13/55:
(4) Text of letters reproduced as Documents A/AC.13/49 and 56 (Egypt), A/AC.13/50 (Iraq), A/AC.13/51 (Lebanon), A/AC.13/58 (Syria) and A/AC.13/62 (Saudi Arabia)

(5) Text of letter reproduced as Document A/AC.13/52.

The hearings in Jerusalem comprise 16 meetings, of which 13 were public and 3 private. The records of the public meetings are contained in a separate volume which is Annex A to this report. In addition the volume includes:

(a) an index to the hearings in chronological order, (b) a list, in alphabetical order of Governments, Organisations and Religious Bodies heard; (c) a list of individual witnesses in alphabetical order, and (d) an index by subject to the testimony received.

completion of work there it would be able to go to Amman.

44. In addition to the oral testimony, a large number of written statements (1) were received by the Committee in accordance with its request for such statements from those organisations which had asked to be heard in New York and as a result of the invitation to submit written testimony made public in Palestine by the Committee prior to its arrival there.

e) Communications and Petitions.

45. The Committee received a large volume of communications making requests for assistance or intervention. At the 20th meeting the Committee was informed of a number of petitions for its assistance in obtaining immigration certificates and for intervention to secure the release of prisoners or detainees. It was decided in general that such requests should be answered in the negative with the statement that it was not within the competence of the Committee to intervene in such cases.

46. Subsequently, at the 23rd and 25th meetings the Committee was confronted with additional similar requests for assistance and with appeals for it to investigate prison conditions, to inquire into the methods of Eritish police, and to examine the conditions of the Jews in Yemon, and the plight of refugees in Aden. Again, it was concluded that these petitions fell outside the terms of reference of the Committee.

47. Among the communications considered at the 23rd meeting were three appeals from organisations composed of illegal immigrants who had been apprehended and deported to Cyprus and who were now awaiting their turn to enter Palestine under immigration quotas. (2) The argument advanced by those members who favoured a visit to Cyprus was that, although the Committee could not take action for the liberation of the detainees, it could investigate the conditions under which they were living. Other members expressed the opinion that these conditions were well known and that, in any case, a possible visit of the Committee to the displaced persons! camps of Europe would be sufficient to acquaint them at firsthand with camp conditions. These members also mentioned how short a time was left to the Committee to complete its work.

/48. After

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| | | 2 | 3 | 4 | 5 | 6 | Reference: FO 371 | 61877

⁽¹⁾ A list of these written statements, in the alphabetical order of their sponsors, together with a brief description of each is attached as Annex 9.

²⁾ Text of communications reproduced as Documents A/AC.13/NC25 and A/AC.13/NC43.

- 48. After discussion, it was decided, by a vote of 3 in favour, 6 against, with 2 abstentions, not to make a visit to Cyprus. The request of the Cyprus detainees that they be permitted to send representatives to Jerusalem to give evidence was also rejected by a vote of 4 in favour, 5 against, with 2 abstentions.
 - f) Action of the Committee with Regard to Three Death Sentences.
- 49. Among the petitions received by the Committee, was one addressed to the Chairman by the relatives of three young men sentenced to death by the Military Court of Jerusalem on 16th June, appealing to the Committee to use its good offices in order to secure a commutation of the sentences. (1)
- 50. Considerable discussion ensued on this question during the 9th, 10th, 11th, and 12th meetings in the course of which several arguments were advanced in favour of and against granting the request contained in the letter, and concerning what would be the best procedure to adopt in either case.
- 51. The main arguments which prevailed among those so presented may be summarized as follows:
- a) It was beyond the terms of reference of the Committee to interfere with the judicial administration in Palestine.
- b) The Committee should, however, take some step not implying such interference in order to point out that the execution of the death sentences might have repercussions on the task entrusted to the Committee and this action should be taken as soon as possible because the sentences could be executed at any moment in view of the existence of certain Defence Emergency $R_{\rm C}$ ulations recently issued. (2)
- c) The Resolution adopted by the General Assembly with the purpose of avoiding increasing tension in Palestine (3) provided sufficient basis for action of the nature envisaged.
- d) Concerning procedure, the best thing to do would be to follow the precedent established by the Mandatory Power when it addressed a communication to the Secretary-General of the United Nations (4) for transmission to other Governments requesting their cooperation in the discouragement of illegal immigration into Palestine while the question remained sub judice by the United Nations Special Committee.

 /52. These

(4) Annex 12.

⁽¹⁾ Annex 10.

⁽²⁾ Annex 11.

⁽³⁾ Text reproduced above in Section A, page 5.

/that

- 52. These prevailing arguments found expression in two documents adopted by the Committee at its 12th meeting a Resolution⁽¹⁾ and a letter of reply to the petitioners.⁽²⁾
- abstention), stated that the majority of the Committee expressed their "concern as to the possible unfavourable repercussions" that execution of the three death sentences might have upon the fulfilment of the Committee's task. It went on to point out that in view of the opinion of the majority as to the scope of the resolution passed unanimously by the General Assembly requesting that "all Governments and peoples" refrain, pending action by the Assembly on the report of the Special Committee, from "the threat or use of force or any action which might create an atmosphere prejudicial to an early settlement of the question of Palestine", this concern should be communicated to the Mandatory Power through the Secretary-General of the United Nations, together with the text of the letter received from the relatives of the condemned persons. Prior to the vote on the resolution as a whole, three members had indicated by a negative vote that they dissented from expressing concern.
- 54. The letter that the Committee agreed (by a vote of 8 in favour and 3 against) to send to the relatives stated that, after having considered their appeal with a full appreciation of their anguish, the Committee had determined that interference with the judicial administration in Palestine was beyond its instruction and function; but having regard in the circumstances to the task of the Committee, the matter was being brought to the attention of the proper authorities.
- 55. At its next meeting (13th) the Committee was apprised of a letter from the Chief Secretary of the Government of Palestine pointing out that the death sentences had not been confirmed, and maintaining that the matter was still subjudice and should not be subject to public comment. (3)
- 56. The Committee adopted the motion of one of the members who stated that, although he did not accept the legal contention in the Chief Secretary's letter

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| | 2 | 3 | 4 | 5 | 6 | Reference: FO 371 | 61877

⁽¹⁾ Annex 13.

⁽²⁾ Annex 14.

⁽³⁾ Annex 15.

that the matter was still <u>sub judice</u>, he felt that no useful purpose would be served by a further discussion, and therefore asked that the matter should be considered closed.

- 57. The Committee also received at its 25th meeting a telegram from the Secretary General (1) dated 30 June, forwarding the text of the reply of the United Kingdom Government to the above Resolution of the Committee. It reiterated the contention of the Palestine authorities that the sentences were still sub judice, that, if the sentences were confirmed by the General Officer Commanding, the High Commissioner could still exercise the royal prerogative of pardon, and that it was "the invariable practice" of His Majesty's Government not to interfere with the exercise of this discretion. The United Kingdom Government could not admit the relevance of the General Assembly resolution, which in its view applied to "action calculated to disturb the peace in Palestine", and was not applicable to the normal processes of the administration of justice in Palestine.
- 58. The Committee was of the opinion that there was no need to take up the matter again.
 - g) Expression of Concern over Acts of Violence.
- 59. The members of the Committee discussed at the 14th and 15th meetings their concern over the acts of violence committed since the arrival of the Special Committee in Palestine, and recorded (2) their sense that such acts constituted a flagrant disregard of the appeal made in the Resolution of the General Assembly of 15 May 1947.

Work of the Committee in Beirut.

- 60. The 38th (public)⁽³⁾ and 39th (private) meetings in Beirut were devoted to hearing the views on the Palestine problem of the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria, and Yemen.
- 61. At the 40th meeting it was decided to refuse the application for hearing of a private person, since the Committee had come to hear the views of the Arab States and not of private individuals.

/62. The

(2) Annex 17.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

⁽¹⁾ Annex 16.

⁽³⁾ The verbatim record of this meeting is published in the separate volume which is Annex A to this Report.

62. The Chairman and seven members of the Committee, in their private capacities, went to Amman for a brief visit on 25 July after the completion of the Committee's work in Beirut.

Work of the Committee in Ceneva

a) Hearings and Petitions

- 63. The Committee decided at the first meeting in Geneva (the 41st) to refuse a request for hearing, and deferred the question of whether to ask the Mandatory Power to give additional oral information. Upon receipt of a letter from the Mandatory Power concerning further evidence to the Committee, it was affirmed at the 44th meeting that no action should be taken at the time. At the 45th meeting it was decided that other requests for hearings should be refused.
- 64. The Committee received a number of petitions asking intervention on behalf of a group of illegal immigrants who had been apprehended and transported in British ships from Palestine to Port de Bouc, France, where they refused to disembark. The Committee agreed that it had no authority to intervene.

b) Visit to Displaced Persons! Camps

- 65. At the first meeting in Geneva the Committee also took up the question of a visit to displaced persons! camps, a matter which had been already discussed in both Lake Success and Jerusalem, but upon which decision had been deferred. The discussion was continued to the next meeting, at which a representative of the Preparatory Commission of the International Refugee Organisation appeared before the Committee to describe activities in the resettlement of displaced persons, and to answer questions regarding Jewish displaced persons in particular.
- 66. The Committee was divided on the question of principle involved in such a visit. Some members expressed the view that the visit was unnocessary. It was common knowledge that the people in the camps wanted to go to Palestine, and the Committee could add no new facts. Others felt that the Committee should inspect the camps because it was obliged by its terms of reference to do so. The view was expressed by two members that it was improper to connect the displaced persons, and the Jewish problem as a whole, with the problem of Palestine, while a third felt that the Committee's work had not yet reached a /stage

stage in which this relationship had become clear. A number of members indicated that they would not oppose a visit.

- 67. After this discussion the Committee voted, 6 in favour, 4 against, with labstention, that a visit should be made to displaced persons' camps. It was determined that the Subcommittee (Subcommittee 3) should be composed of either the principal or alternate representatives of ten of the eleven members, so as to permit the work in Geneva to be continued in the absence of the Subcommittee.
- 68. The Subcommittee held two meetings on 31 July and 1 August. At the first meeting, Mr. J.D.L. Hood, the Representative of Australia, was elected Chairman. The Subcommittee proposed for the consideration of the Committee drafts of an itinerary and terms of reference, which were subsequently adopted at the 44th meeting. The terms of reference read as follows:

"The Subcommittee shall visit selected representative assembly centers for Jewish refugees and displaced persons in Germany and Austria, with a view to ascertaining and reporting to the Committee on the attitude of the inmates of the assembly centers regarding resettlement, repatriation or immigration into Palestine."

- 69. The Subcommittee visited from 8 to 14 August a number of these Assembly Centers in Germany and Austria. Its report (1) was approved at the 45th meeting at which it was further decided that it should be attached as an Annex to the Report of the Committee.
 - c) Religious Interests and the Holy Places; the Status of Jerusalem
- 70. A special subcommittee (Subcommittee 4) consisting of the eleven alternate delegates was constituted to study the question of Religious Interests and Holy Places. The status of Jerusalem was also referred to the Subcommittee.
- 71. The Subcommittee met under the chairmanship of Mr. A. I. Spits (Netherlands). It proposed that certain stipulations relating to the Holy Places and religious and minority rights should be inserted in the Constitution(s) of the State(s) which would be created. Such stipulations have with various amendments been inserted in the two plans which are submitted to the General Assembly.
 - 72. The recommendations regarding the creation of a "City of Jerusalem" /which

⁽¹⁾ Annex 18

which will be found in the plan of the majority were inspired by proposals, made in the same Subcommittee by the Delegates of Canada, Netherlands; Peru and Sweden. The Delegates of India, Iran, and Yugoslavia disagreed with these recommendations. Reservations made in the Subcommittee by the Representatives of Czechoslovakia, Guatemala and Uruguay were later withdrawn and the amended text of the recommendation s on the City of Jerusalem has been inserted in the plan submitted by the majority of the Committee.

d) Preparation of the Report

73. At the 42nd meeting the Chairman and two members presented suggestions as to the working programme of the Committee for the preparation of the Report. After informal consultation, they presented at the next meeting a memorandum on the Future Work-Programme of the Committee which combined their proposals, and which was adopted with some amendments. It was approved also that informal memoranda might be submitted by delegates or members of the secretariat as the basis for discussion of each point contained in the work-programme.

74. At the suggestion of one of the members it was agreed to have informal exchanges of views in lieu of formal meetings to facilitate the preliminary work. A number of informal talks ensued at which the Committee attempted to ascertain their field of agreement on the important aspects of the Palestine problem.

75. At the 47th meeting a record vote was taken upon the two proposals which had emerged from the informal discussions and from three working groups which had been formed when two constitutional plans were advanced. Three members (the Representatives of India, Iran, and Yugoslavia) placed themselves on record as favouring a federal state plan. Seven voted against, with the Representative of Australia abstaining. Seven members (the Representatives of Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden, and Uruguay), while reserving their positions on boundaries and on the status of Jerusalem, voted in favour of the principle of partition with economic union. Three members voted against, with the Representative of Australia abstaining. After further discussion, agreement was later reached on both outstanding questions among the seven members supporting the plan of partition with economic union.

A/AC.13/82 Page 18

76. As a result of the discussions of the working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as was evidenced in the 47th meeting of the Committee. On the basis of this measure of agreement, a drafting subcommittee was appointed to formulate specific texts.

77. In the course of its 49th meeting on 29 August 1947, the Committee considered the report of the drafting subcommittee and unanimously approved eleven recommendations to the General Assembly, the texts of which are set forth in Chapter V of this Report. A twelfth recommendation was made with two dissenting votes.

78. At the 50th and 51st meetings were approved the texts of the Preface of the Report and of two of the four chapters setting out the findings of fact of the Committee (the others having been approved at previous meetings, except for the last section of Chapter I).

79. Finally, at the 52nd meeting, the representatives appended their signatures to the approved text of the Report and to the covering letter to the Secretary General.

80. At this final meeting the Committee also recorded that it had had in its work the assistance of a competent and diligent Secretariat under the direction of Dr. Victor Hoo, the Personal Representative of the Secretary General, and Dr. Alfonso Garcia Robles, Principal Secretary. The Committee expressed its deep appreciation of the unremitting and invaluable labours of the Secretariat in organising and coordinating the Committee's activities, in furnishing research and technical data, in lending assistance at its meetings, and in cooperating in the preparation of this Report.

CHAPTER II

THE ELEMENTS OF THE CONFLICT

A. Geographic and Demographic Factors

Physical Features

- 1. The total land area of Palestine is estimated to be about 26,000 square kilometers or a little over 10,000 square miles (1) but about half of this area is uninhabitable desert.
- 2. Situated at the cross-roads between Europe, Asia and North Africa, however, this small territory enjoys a geographical position from which it has derived, during much of its turbulent history, the ill-matched gifts of political strife and economic advantage.
- 3. The geographical and topographical conditions of Palestine are an important element in its problem, and it is vital, therefore, to grasp their main features. On the west, stretching from the Mediterranean Sea, is the coastal plain, very narrow in the north but widening considerably further south, although at no point more than some twenty miles in width. This plain is broken into two parts by a narrow spur of hills pointing like a finger towards the town of Haifa from the direction of the southeast.

North of Haifa is the small coastal plain of Acre and to the south is the more extensive maritime plain. Reaching inland to the north of Mount Carmel near Haifa are the broad inland plains of Esdraelon and Jezreel breaking into the upper Jordan valley south of the S a of Galilee. In the Huleh valley to the north of the Sea of Galilee is a stretch of unreclaimed swamp.

Apart from these inland plains in the north and portions of the desert area in the south, the interior of the country is very mountainous with the hills of Judea and Samaria in the centre and the hills of Galilee in the north. These hills fall away in the east to the rift valley of the River Jordan, which marks the eastern boundary of Palestine with the State of Transjordan and which, starting from the borders of Syria and Lebanon with Palestine, flows through the Sea of Galilee to empty itself in the waters of the Dead Sea, some twelve hundred feet below sea level. To the

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

⁽¹⁾ A Survey of Palestine - prepared for the Anglo-American Committee by the Government of Palestine - Vol. 1, p. 103.

south is the vast area of the Beersheba district, which is arid, semidesert, supporting at present a very small settled population and about 90,000 Bedowin nomads. As the annual rainfall diminishes further to the south, this merges into the Negeb proper - a wild confusion of limestone hills, practically rainless and almost without life. Water Resources

Along the whole western limits of Palestine lies the Mediterranean Sea from which, by the natural processes of evaporation and precipitation, the country receives its most valuable commodity - water. The heaviest precipitation is over the coastal plain and in the northern and central hills, where it is sufficient to support permanent agriculture. Over the Jordan Valley and further south in the Beersheba area the rainfall is too small for summer crops unless the land is watered by irrigation. Under natural conditions even winter crops are subject to frequent failure in these regions. In the circumstances it is not surprising to find the population distribution in Palestine coinciding very closely with rainfall distribution if some allowance is made for the fact that the plains are, for other reasons, more favourable to dense settlement than are the hills.

- 5. Broadly speaking, any further considerable development of agriculture in Palestine must rely on a more intensive use of the land by irrigation, rather than an extension of the area of cultivation. Climatically the most striking feature of Palestine is the regular recurrence of winter rain followed by a prolonged summer drought. Where irrigation is possible the soil can generally be made to produce crops intensively all the year round. Moreover the climate is suitable for the production of a wide variety of vegetables and fruits from sub-tropical products, which can be produced in the Jordan Valley, to the products of temperate climates, and this possibility of great variety of agricultural production is a fact of considerable economic importance. Under natural conditions, however, summer cropping depends on the amount of moisture that can be conserved during the rainy season by repeated ploughing of the bare fallow.
- 6. Irrigation has been greatly developed in recent years and the limits of development have by no means been reached. Nevertheless its /extension

extension on a considerable scale presents difficulties of cost and of water supply, for Palestine, unlike Egypt, has no great river flowing through its territories carrying water from catchment areas beyond its own boundaries. It depends upon the annual precipitation within its own boundaries and in the Syria-Lebanon catchment area from which the Jordan is partly fed at its source.

7. The major sources of water available for irrigation are springs and rivers, wadi storm water and underground water from wells and boreholes. The Government of Palestine has recently estimated the total volume of water available annually for new exploitation as follows: (1)

	Dry Year (Mill	Average Year ions of cubic me	Wet Year tres)
Springs and rivers Wadi storm water Underground water	800 100 200	1,000 500 200	1,500 1,200 200
Total	1,100	1,700	2,900

8. Somewhat higher estimates of available water supplies are given by the Jewish Agency and are implied in the overall irrigation scheme of Hays and Savage which in its complete form provides for an annual supply of nearly 2,000 million cubic meters of water actually reaching the fields. Perhaps the most that can be said at present is that government estimates are based on the most extensive information available, but may nevertheless be subject to revision in the light of further knowledge. There is, however, no disagreement on the fact that Palestine is not very bountifully supplied with water and that its continued development depends on making the most of what water there is.

Other Resources

9. In the physical resources which are typically the basis of modern industrial development Palestine is exceedingly poor, having neither coal nor iron nor any other important mineral deposit. Indeed the only considerable non-agricultural resources are the potassium and sodium salts which

⁽¹⁾ Memorandum on the Water Resources of Palestine - The Government of Palestine, p. 13.

are extracted from the Dead Sea.

There are ample supplies of certain building materials in the form of stone and lime from which cement is manufactured. Oil, on which some people have set hopes, has not been discovered in payable quantities, though tests are still proceeding in the south. For its present supplies of fuel, Palestine is entirely dependent on the oil which comes to the Haifa refineries via the pipe-line from the oil fields of Iraq.

Population

Population Statistics

- and in 1931. In 1936, in 1941 and again in 1946 the government had made all preparations for a census, but political disturbances caused them to be postponed. There are, however, records of births and deaths for the whole of the population, except the small Bedouin group living as nomads in the semi-desert areas of the south. On the basis of these figures estimates of the total population and of its quantitative distribution according to various classifications are made by the government statistician at regular intervals. The population statistics of Palestine, compiled in this manner, are considered to be fairly accurate but there is a margin of error which tends to increase as the census year on which the calculations are based becomes more remote. Only a new census can test the accuracy of these estimates.
- 11. The most striking demographic features of Palestine are, first, the rate at which the total population has grown in the last 25 years; second, the manner in which the proportions of the two major national groups, the Arabs and Jews, have changed, and third, the relative importance of immigration and rate of natural increase in their effect on the total population and on the proportion of Jews to Arabs. These are the escential and dynamic elements of what is in detail a very complicated matter. In addition, it is important to consider briefly the present regional distribution of the population.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

12. The total settled population of Palestine at the end of 1946 was estimated to be nearly 1,846,000. (1) This is nearly three times the total population as revealed by the census of 1922, or more exactly an increase of 184 per cent. In greater detail the population growth since 1922 has been as follows:

Population of Palestine by Religions (2)

	M.slems	Jews	Christians	Others	Total
1922	486,177	83,790	71,464	7,617	649,048
1931	693,147	174,606	88,907	10,101	966,761
1941	906,551	474,102	125,413	12,881	1,518,947
1946	1,076,783	608,225	145,063	15,488	1,845,559

13. Since two main lines of conflict in Palestine are between Jews and Arabs as conscious national groups, it is of some importance to distinguish the population according to this classification. On this basis the population at the end of 1946 was estimated as follows:

<u>Arabs</u>	Jews	Other	Total
1,203,000	608,000	35,000	1,846,000

markably rapid increase in the total population of Palestine but that the proportion of Jews in the total has greatly increased from 12.91 per cent in 1922 to 32.96 per cent in 1946. Conversely, of course, the Arab proportion has fallen since 1922. The Moslem proportion of the population (almost entirely Arab) has fallen from about 75% of the total to 60%, and the Christian proportion (very largely Arab) from 11% to 8%. Thus at the present time about one third of the total settled population is Jewish.

⁽¹⁾ The 1931 census revealed that there were 66,000 nomadic Bedouins, while today they are estimated to number 90,000. Little is known demographically about the people and no account will be taken of them in the statistical parts of this chapter which is confined to the settled population.

⁽²⁾ All the statistical material on population is extracted from A Survey of Palestine, Volume III, Section I.

(b) Immigration and Natural Increase

- 15. These changes in the population have been brought about by two forces, natural increase and immigration. The great increase in the Jewish population is due in the main to immigration. From 1920 to 1946 the total number of recorded Jewish immigrants into Palestine was about 376,000 or an average of over 8,000 per year. The flow has not been regular, however, being fairly high in 1924 to 1926, falling in the next few years (there was a net emigration in 1927) and rising to even higher levels between 1933 and 1936 as a result of the Nazi persecution in Europe. Between the census year of 1931 and the year 1936 the proportion of Jews to the total population rose from 18 per cent to nearly 30 per cent.
- 16. The Arab population has increased almost entirely as a result of an excess of births over deaths. Indeed, the natural rate of increase of Moslem Arabs in Palestine is the highest in recorded statistics, (1) a phenomenon explained by very high fertility rates coupled with a marked decline in death rates as a result of improved conditions of life and public health. The natural rate of increase of Jews is also relatively high, but is conditioned by a favourable age distribution of the population due to the high rate of immigration.

(c) <u>Future Trends</u>

- 17. These are dynamic elements in the problem of Palestine which have consequences for the future, and any consideration of the Palestine question must take them as fully into account as is possible.
 - 18. Estimates of future population trends for Palestine have been

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

⁽¹⁾ This high natural rate of increase has excited some comment. Previous to 1918 the male population of Palestine was subject to conscription for the Turkish army, and the discontinuance of this practice is sometimes advanced in explanation of the rapid increase in the Arab population since then. It seems probable that the true rate of natural increase is, however, lower than the observed rate owing to an influx into Palestine of young Arab women. As reproduction rates are related to the age-sex composition of the population according to the census of 1931 the effect is to overestimate the reproduction rates in the case of the Moslem population. Between 1942 and 1945 owing to the effect of food rationing there was a tended encyto understate deaths and overstate births.

made by Mr. P. J. Loftus, the government statistician, and published in Volume III of the <u>Survey of Palestine</u>. This is the most complete demographic study that has yet been made of Palestine. In qualitative terms the main conclusions may be summarized as follows:

- 1. The Arab population (particularly the Moslem Arabs) of Palestine will continue to grow rapidly owing to high fertility rates and falling mortality rates. The conditions making for high fertility rates are not likely to change greatly in the immediate future.
- 2. Apart from immigration the Jewish population will increase at a slower rate owing to fertility rates which are already lower than those of Moslems and are considered likely to fall. Reductions in death rates among the Jewish population are also likely to be less than in the case of Arabs, since Jewish mortality rates are already low.
- 19. In quantitative terms calculated on the basis of the most probable assumptions suggested by a close study of the present demographic situation, Mr. Loftus calculates that by 1960, supposing there were no immigration, the population of Palestine would be as follows:

Estimated population of Palestine in 1960

	Moslems	Jews	Christians	Others	Total
1946 (actual)	1,076,783	608,225	145,063	15,481	1,845,559
1960 (estimated)	1,533,000	664,000	176,000	21,000	2,394,000

Thus, on this estimate, the population of Palestine would increase 30 per cent in fourteen years, assuming no immigration to take place, and the Jewish population would fall from about 31% of the total to 28%.

(d) Distribution of Population

20. This potential increase of population in Palestine, independently of immigration, should be considered in relation to the area and resources of the country. Arithmetical density of population (i.e., average number of

FO 371 61877

/persons

persons per unit area of land) is by no means a reliable guide to the ability of an area to support a larger population without a fall in the standard of life. However, it is not without significance if considered in relation to other physical resources. At the end of 1944, Palestine had a population density of 174 persons to the square mile (67 per square kilometer) of land area. Excluding the Beersheba area, which is semi-desert, and nearly half the total land area, the density rises to 324 per square mile (125 per square kilometer). This latter figure is a higher density than that of Switzerland and slightly lower than that of Italy. There are, of course, countries with much higher densities of population, but these are either agricultural populations with very low standards of living, as in parts of India, or else highly industrialized countries dependent upon their industrial resources, and in this connection it must be recognised that Palestine does not contain within its own borders any of the basic raw materials of modern industry.

- 21. The regional distribution of the population of Palestine is of great significance for the Palestine problem. The heaviest concentration is along the whole coastal plain from the Gaza area to Haifa.

 Galilee, the plain of Esdraelon and the inland area of the Jerusalem subdistrict are also fairly thickly populated. The central hill country north of Jerusalem comprising the districts of Ramallah, Nablus, Jenin and Beisan is considerably less thickly peopled, while to the south of the Jerusalem district in Hebron and especially Beersheba the population becomes extremely sparse. In the vast area of the Beersheba sub-district, however, there about 90,000 Bedouin nomads.
- 22. There is no clear territorial separation of Jews and Arabs by large contiguous areas. Jews are more than 40% of the total population in the districts of Jaffa (which includes Tel-Aviv), Haifa and Jerusalem. In the northern inland areas of Tiberias and Beisan, they are between 25% and 34% of the total population. In the inland northern districts of Safad and Nazareth and the coastal districts of Tulkarm and Ramle, Jews

/form

form between 10% and 25% of the total population, while in the central districts and the districts south of Jerusalem they are not more than 5% of the total.

23. Thus, though the main concentration of Jewish population is on the coastal plain, the Jerusalem area and the northern uplands, there is, even in these areas, a considerable concentration of Arabs, since these are the most populous parts of the country.

B. Relevant Economic Factors

24. The economy of Palestine presents a fascinating study both because of its rapid development as an area of mass immigration and because of peculiarities in structure due to the lack of homegeneity between the two major elements of the population. In addition, the economic life of Palestine has more recently been subject to the quickening and disturbing influence of an enormously increase demand arising from the war-time and post-war military expenditure.

The Two Economies

- 25. Although the total population of Palestine is less than two millions, its economic life presents the complex phenomenon of two distinctive economies one Jewish and one Arab, closely involved with one another and yet in essential features separate. Apart from certain parts of the country which are predominantly Jewish and others which are predominantly Arab in population, this "economic separateness" (1) of the two communities does not correspond to any clear territorial divisions. It finds its expression in certain facts which may be briefly summarized as follows:
 - (1) Apart from a small number of experts, no Jewish workers are employed in Arab undertakings, and apart from citrus groves (where some Arabswork as seasonal

.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

⁽¹⁾ The expression is borrowed from the Government of Palestine's Survey of Palestine, Volume III, p. 1272.

laborers on Jewish farms), very few Arabs are employed in Jewish enterprises. Indeed, government service, the Potash Company and the Oil Refinery are almost the only places where Arabs and Jews meet as co-workers in the same organizations.

- (2) There are considerable differences between the rates of wages for Arab and Jewish workers in similar occupations, differences in the size of investment and differences in productivity and labour cost which can only be explained by lack of direct competition between the two groups.
- (3) Arab agriculture is based to a considerable extent on cercal production and tends to be of a subsistance kind. Only about 20% or 25% of Arab agricultural production (excluding citrus) is marketed, Jewish agriculture, on the other hand, is largely intensive and cash crop farming. About 75% of Jewish agricultural production is sold on the market. It is marketed mainly through Jewish marketing organizations to Jewish retailers.
- (4) The occupational structure of the Jewish population is similar to that of some homogeresindustrialised communities, while that of the Arabs corresponds more nearly to a subsistence type of agriculture? society.
- 26. It must not, however, be supposed that Jews and Arabs in Palestine are not mutually interdependent in their economic life. Under the Mandate, there has been a unified administration, internal freedom of trade, a common transport system, a single currency and some development of public services in the interests of the population as a whole, and it is within this general framework that the differences of economic life between Jews and Arabs in other respects must be viewed. Moreover, the great investment of capital associated with Jewish immigration has, in developing the Jewish economy, profoundly affected Arab life, increasing

/money

money incomes and the extent to which Arabs have become concerned with an exchange of economy. Competition and a some of pride on the part of the Arabs have also had their share in raising Arab standards of life. Nevertheless the economic relations between the two groups have something of the character of trade between different nations. As consumers their separateness is less marked but as producers (with the main exception of the citrus industry) they maintain a degree of separateness unyielding so far to the pressure of the economic forces which might have been expected to bring about a greater degree of homogeneity; and when all this is considered it is not the few instances of the submergence of differences between Arab and Jew in common economic interests which are remarkable, but the fact that such instances are so few as to be unusual.

Agriculture

(a) The Main Features

- 27. Palestine is still mainly an agricultural country since about 65% of the population gain their living directly from agriculture.

 Nevertheless the country is not self sufficient in food and is especially deficient in cereal production, about fifty per cent of its cereals being supplied by imports. According to government estimates, most of the land capable of being cultivated by present methods is under crops and any considerable development depends on more advanced methods of farming and more particularly on more extensive irrigation, though Jewish authorities claim that government estimates are too conservative.
- 28. Despite its small area the country enjoys, owing to its topographical peculiarities, wide variations both of climate and soils which permit the production of a big range of crops. The most important crops are citrus, cereals, olives, grapes, vegetables and tobacco. Citrus is the main export crop and before the trade was interrupted during the war it accounted for eighty per cent of the total value of exports. Under the stimulus of wartime demand there was a considerable increase in the

/production

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

production of vegetables, and potato production in particular has been successfully developed.

(b) Jewish and Arab Agriculture

- 29. Apart from citrus production, which is approximately equally shared between Jewish and Arab cultivators, there are marked differences between Jewish and Arab agriculture. Arab cultivators produce over eighty per cent of the total cereal crops and more than ninety-eight per cent of the olives. Jewish agriculture, however, is mainly devoted to mixed farming and is for the most part cash farming, about seventy five per cent of the produce being sold on the market. The majority of Arab cultivators, on the other hand, are to a greater extent self-sufficient and retain on the average about seventy five per cent of their total production for their own consumption. Naturally these somewhat different aims of Arab and Jewish cultivators find an expression in different methods of farming and in different attitudes to the problems of rural life. For, although Arab cultivators are influenced, and increasingly so, by the money incentives of the market, they have the strong urges of all such partly self-sufficient producers to maintain their traditional methods and habits of life.
- 30. Jewish agriculture, on the other hand, is on the whole progressive, scientific and experimental. It is being increasingly developed in the direction of mixed farming and in very large part serves the needs of urban populations. It is highly organized not only in respect of production through the three hundred or so communal and cooperative settlements, but also in respect of the "Tnuva" and other cooperative organizations through which its products are marketed.
- 31. The Jews have brought to agriculture in Palestine both capital and skill which together have had a profound effect on the country transforming some of it from waste and neglected land to fruitful ground, so that it may truly be said that they have made "the desert blossom as the rose". In this enterprise they have been impelled by the force of an

/ideal

A/AC.13/82 Page 31

ideal which has come to realisation in the communal, co-operative and individual settlements. These have increased from five in 1882 to over 300 to-day with a population of well over 150,000. Although the individual and co-operative settlements together considerably outnumber the communal settlements (the kibbutzim), it is these latter which perhaps mose completely express the spirit of sacrifice and co-operation through which this has been achieved.

(c) Agricultural Methods

32. Palestine is an area of winter rainfall and summer drought and agriculture is in Palestine dominated by that fact. Summer crops are only possible under natural conditions in regions where the rainfall is sufficient for the ground to retain moisture during the summer months, and this ias a rule necessitates ploughing the bare fallow in the winter months. Where land can be irrigated the soil is usually capable of being intensively cultivated all the year round and Jewish agriculturists have given much attention to the problems of irrigation. But where irrigation is not possible for reasons of cost or for lack of water, improvements in output can only be obtained by improvements in farming methods within the general framework of "extensive" farming. There is room for such improvement, particularly in regard to land reform which would consolidate divided holdings and such land as is held in common and distributed every two or four years among the tenants. Both these systems of tenancy are bad for farming practise and in these and other respects the complicated lard laws and customs of Palestine require some reform. Nevertheless it must not be considered that Arab agriculture in Palestine is on a very low level. Within the range of these customs and technical knowledge it is adapted to the conditions of climate and soil. Moreover, there has been considerable improvement in latter years, partly as the result of the great development in Jewish agriculture and partly as the result of the increase in prices of agricultural products during and since the war. The production of vegetables by Arab cultivators has greatly increased

/recently

61877

recently and though the yields of Arab farmers are lower than those of Jewish cultivators, their production costs also are often lower.

(d) Recent Trends in Jewish and Arab Agriculture

33. The general nature and relative importance of Arab and Jewish agriculture are summarized in the following table for the year 1944/45.

VALUE OF AGRICULTURAL PRODUCTION FROM MAIN GROUPS OF CROPS

IN THE SEASON 1944-1945, DISTINGUISHING BETWEEN ARAB

AND JEWISH CULTIVATION(1)

	Jewish L.P.	Arab L.P.	Totals L.P.
Grains	497.048	4,403,409	4,900,457
Vegetables	1,745,870	5,113,553	6,859,423
Fodder	951,178	156,847	1,108,025
Fruits (excluding citrus)	1,379,620	3,139,374	4,518,994
Olives	53,235	3,320,320	3,373,555
Melons	83,975	969,630	1,053,605
Totals	4,710,926	17,103,133	21,814,059

34. During and since the war there has been a rapid development of production in certain fields of agriculture. Vegetable production in particular has greatly increased from 129,000 tens in 1939 to 245,000 in 1945. Grain production, on the other hand, has not expanded, fluctuations in output being mainly explained by weather conditions. Thus in 1939 grain production was estimated at 242,000 tons and in 1945 at 209,000. There has also been a steady increase in the output of fruit (excluding citrus) from 131,000 tons in 1939 to 174,000 in 1945.

35. Both Jewish and Arab cultivators have greatly benefited from the rise in agricultural prices since the beginning of the war. The only exception to this is in respect of the citrus producers since export was practically at a standstill. Citrus groves suffered in consequence from lack of attention and the capacity of the industry has declined to

⁽¹⁾ A Survey of Palestine - Vol. I, p. 327.

/event

some extent. The government assisted citrus producers by advances of more than 3-1/4 millions and production is now rapidly moving towards the pre-war levels. Exports in the 1945/46 season were equal to more than 5 million cases valued at nearly \$\frac{1}{2}\$ 3-1/2 millions as compared with 15 million cases valued at about \$\frac{1}{2}\$ millions in 1938/39.

36. Since 1941 the citrus industry has been controlled by a Citrus Control Board consisting of three official members and eight producer members, Jews and Arabs. In 1941 it was decided also to set up a Citrus Marketing Board of two official members and four other members chosen as representatives of the Jewish and Arab producers. This Board, which has had to handle the problem of surplus fruit due to the loss of the export trade, has worked satisfactorily on the basis of equal export quotas to Jewish and Arab producers. The citrus industry is, in fact, the one considerable economic activity where Jews and Arabs are producing for the same market under similar conditions. Most of the producers are relatively small scale producers and their identity of economic interest has, in the circumstances, provided a basis for cooperation.

(e) Irrigation and Land Development

37. Any considerable development of agriculture in Palestine depends on a large scale on irrigation. The only extensive areas of good land which are undeveloped are the Juleh Valley in the extreme northeast and the very much more extensive semi-desert area of the northern part of the Beersheba sub-district. The former is a swamp which could be reclaimed by draining and in respect of which a Jewish concession originally granted by the Turkish government is in existence. The concession has been of no value partly because it needs to be extended to a larger area to be made effective, and partly because of the interests of the Palestine Electric Company in the water flow lower down the valley. Altogether an area of 150,000 dunams (one dunam equals 1000 square meters or about 1/4 acre) could be reclaimed. As this is the area of the headwaters of the Jordan and borders on Syria and Lebanon, it is of great importance to the whole of Palestine in the

event of any large-scale irrigation project based on using the waters of the upper Jordan.

38. The semi-desert Beersheba area in the south has at present a settled population of 7,000 (mostly in Beersheba town) and about 90,000 nomadic Bedouins. It has a good soil but insufficient rain to support a denser population. It can only be developed by irrigation. There are small Jewish settlements in the south of this area (sometimes loosely described as the Negeb) which are at present experimental and based on water brought by pipeline at great cost from a considerable distance. The further development of this area remains, therefore, problematic, being dependent either on the discovery of non-saline underground water at economical depths or the development of reservoirs to store the winter rainfall over fairly wide areas. (1) Industry

(a) General Development

- 39. Although Palestine is still in an occupational sense predominantly an agricultural country, industry has now emerged as the largest contributed to the natural income. There have been two major periods of industrial development in Palestine, 1933 to 1939 when the dominant influence was the influx of refugee immigrants from Western Europe and particularly Germany, with capital and technical and managerial skill; and the 1941 to 1945 period when the protection resulting from the closing of outside sources of supply and the great demands of the military authorities in the Middle East both contributed to an enormous stimulus.
- estimate of Jewish capital invested in industry and of industrial equipment imported into Palestine. Between 1925 to 1929 it is estimated that 1,000,000 L.P. of Jewish capital was invested in Palestine industry. The amount invested during the period 1930 to 1932 was 2,500,000 L.P. and the value of imports of industrial equipment over the same period was 606,000 L.P. During 1938 and 1939 the investment of capital was 7,000,000 L.P. and the value of industrial equipment imported nearly 5,000,000 L.P. From 1940 to 1944 the investment of

⁽¹⁾ The Committee visited the settlement of Revivim in this area and inspected a reservoir constructed to conserve 50,000 cubic metres of rainwater.

/capital

capital in industry was 6,000,000 L.P. and the value of imports of industrial equipment was just over 1,000,000 L.P. (1)

41. An index of employment in manufacturing industry in all communities shows the following trend. (2)

1939	1942	1943	1944	1945
100	200	214	209	221

42. The industrial development is also reflected in the structure of imports in which raw materials play a greater, and wholly manufactured goods a lesser part. In 1939 raw materials and unmanufactured articles were 10% of total imports while wholly manufactured goods were 64%. In 1946 raw materials were 32% of the total and manufactured goods 41%.

(b) The Nature of Palestine Industry

43. Palestine is not very favourably endowed for industrial production apart from its geographical location which is of considerable importance in regard to the whole Middle East. It has no raw materials of any consequence apart from the Dead Sea minerals. Nevertheless the influx of immigrants with developed tastes for a variety of consumer goods, and the development of electric power by the hydro-electric installation on the Jordan, and by oil driven plants at Haifa and Tel-Aviv, provided an important foundation for the industrial development of the last fifteen years.

44. The most important industries are textiles, food production, chemicals and light metal industries producing a variety of products such as doors, window frames, household articles and a number of other products. During the war there was an important development in diamond cutting and polishing as a result of the settlement in Palestine of skilled diamond cutters from Europe. This industry has become important in the export trade of Palestine and in 1946 the value of cut and polished diamonds exported was L.P. 5,500,000. The chemical industry, including the potash produced from the Dead Sea, is now relatively important and is one of the

(2) Ibid. Vol. I, p. 509.

/indus tries

⁽¹⁾ A Survey of Palestine - Vol. I, p. 511.

industries which expanded rapidly during the war.

- time are either consumption goods, industries based to a great extent on the local market, industries whose location is not determined by the presence of raw materials but which depend on local skill as in the case of the diamond industry, or in some few cases, as for example the potash industry and some food processing industries, those which depend on local raw materials. It must be remembered that almost all of these industries are small scale enterprises.
- eighty per cent of all persons engaged in industry were employed in Jewish owned enterprises and about ninety per cent of the total number of works retin industry are Jewish. In the main Jewish workers are employed in Jewish concerns and Arabs in Arab owned industries though there are a few exceptions to this. The most developed Arab industries are milling, tobacco manufacturing and some branches of the textile, and metal trades. The purely Arab soap industry at Nablus is worthy of mention since its products are bought by Moslems in countries outside Palestine. By and large, however, Arab industry in Palestine is much less developed and less capitalised than Jewish industry.

(c) The Concessions

Lead Sea concession and the oil concession. Electric power is supplied to Palestine by two companies, the Jerusalem Electric and Public Service Corporation and the Palestine Electric Corporation, which are operating under the terms of concessions - the former covering Jerusalem and the latter other areas in Palestine. The Palestine Electric Corporation is working two concessions, one granted to Mr. Phineas autenberg in 1921 for the purpose of utilizing the Auja basin for the purpose of supplying electrical energy and for irrigation within the Jaffa district, and the Jordan Concession for the utilization of the waters of the River

copyRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

/Jordan

Jordan and its basin, including the Yarmuk River, for the purpose of supplying and distributing electrical energy in all Palestine and Transjordan.

- 48. The Palestine Potash Company was granted a concession in 1930 for a period of 75 years, for the extraction of salts and minerals from the Dead Sea. The company is operating plants at the northern and southern extremities of the Dead Sea.
- 49. Concessions have been granted to the Anglo Iranian Oil and to the Iraq-Petroleum Companies to construct and operate pipe lines to a terminal point on the Palestine coast at Acre Bay if practicable, with the right to load and unload oil within the oil dock at Haifa harbour. The right to construct refineries at Haifa was also included and the right was transferred by agreement to the Consolidated Refineries Limited which established a refinery at Haifa in 1939.
- 50. The concession companies enjoy certain privileges such as immunity from the customs duties on products imported for the work of the companies.

Foreign Trade

(a) The Main Features

- 51. The main features of the foreign trade statistics of Palestine which are relevant to an understanding of the present situation and future possibilities are: (1) the change in the volume and composition of foreign trade since 1939, (2) the large adverse balance of payments and dependence of capital imports and (3) the trading relations of Palestine with other Middle East countries.
- 52. From the beginning of the Mandate until 1940 there was a great increase in the total foreign trade of Palestine. In 1922 total exports were 4,000,000 L.P. and total imports 5,700,000 L.P. In 1939 exports were 5,100,000 L.P. and imports 14,600,000 L.P. During the recent war the values of imports and exports rose largely owing to price increases. The volume of trade only increased in 1945 and still more in 1946.

/Developments

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

Developments since 1939 are summarised in the table below:-

Total imports and exports of Palestine (1) by value 1939, 1945 and 1946 (Thousands of Palestine Pounds)

 1939
 1945
 1946

 Imports
 14,633
 40,691
 70,432

 Exports
 5,468
 20,396
 24,485

 Excess of Imports
 9,165
 20,295
 45,945

53. During the war the virtual cessation of citrus exports had a great effect on the structure of exports, but this was a purely temporary phenomenon and it is evident that citrus exports will again become a dominant element in total exports. At the same time with the greater diversity of economic activity in Palestine brought about as a result of the wartime expansion it is to be expected that Palestine will be able to export a greater variety of products including some manufactured products. Indeed there is a necessity for Palestine to increase its exports of such products if it is to maintain its high rate of imports.

(b) Capital Imports

54. Palestine depends on foreign trade to secure, by import, food (especially wheat, meat and cattle fodder) raw materials, machinery and equipment which has been and is essential to its development. The finance of these imports is only partly covered by exports. There remains, indeed, as a persistent feature, a remarkably large balance of imports over exports which is financed by imports of capital consisting mainly of funds coming from world Jewry, capital brought in by immigrants and funds coming to religious institutions. (2) During and since the war

copyRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

⁽¹⁾ A Survey of Palestine - Vol. I, p. 462 and Supplementary Vol. p. 41.
(2) Much of the Jewish capital imported into Palestine is in the nature of a free gift and consequently involves neither interest nor amortisation charges. To the extent that gift capital is part of the capital imports in the structure of the balance of payments it will not require an increase of exports in the future to meet debt charges.

there has also been a very large military expenditure by the British Government. Largely as a result of this war expenditure, there are now sterling balances estimated to be about 125,300,000 pounds sterling held mainly by private Palestine citizens.

(c) Importance of the Middle East

development of Palestine depends to a considerable degree on increasing its trade with other Middle East countries. During the war there was a great increase in the proportion of trade with Middle Eastern countries to total trade. Although this trend was mainly influenced by transport difficulties, and isolation from other markets, it is also a natural line of development for Palestinian trade. Its importance during and since the war is indicated by the fact that in 1939 only 17.7% of Palestine's imports and 10% of its exports were exchanges with Middle Eastern countries, while in 1946 the percentages were 39% and 31% respectively. These proportions are partly influenced by the fact that exports to the United Kingdom were lower in 1946 than in 1939 on account of the temporary decline of citrus exports.

(d) The Arab Boycott

56. In 1946 exports to Arab countries were adversely influenced by the boycott of Jewish products, and though it is not possible to determine how effective the boycott is there can be no doubt that it could seriously hamper industrial development in Palestine if it were indefinitely maintained.

The War-Time Inflation

The Main Causes

57. In common with most countries Palestine experienced considerable inflation during and since the war. The inflation in Palestine was greater than in the United States or Great Britain but somewhat less than in some other Middle East countries. It was due on the side of demand to a large expansion of income and on the side of supply to an inability of output

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

THE PUBLIC

RECORD OFFICE,

LON DON

61877

A/AC.13/82 Page 40

output to respond to the increase in demand for consumer goods on account of (1) cutting off of imports (2) diversion of local production to military needs and (3) the limited capacity of agriculture to increase output in a short period. The extent of the inflation is indicated approximately by the cost of living index as follows: (1)

Cost of Living Index for Palestine for December of each year

Pre-War 100

1946	1945	1944	<u>1943</u>	1942	1941	1940
275	252	238	230	211	166	131

58. The main cause of the increase in income was the military expenditure of the British Government which was as follows: (2)

Millions of Palestine Pounds

1940	1941	1942	1943	1944	<u>1945</u>	<u> 1946</u>
8.5	20.7	25.4	31.5	25.0	24.3	23.5

59. When the war broke out stocks of commodities in Palestine were fairly high and imports only fell seriously in 1941. By 1943 and 1944 military expenditure and the pressure of demand on the food supply reached a peak. There was a considerable increase in the output of food and an increase in imports from Middle East countries at high prices, but this was not sufficient to prevent further fairly modest increases in prices. Since the war the maintenance of military expenditure at the peak war rates has prevented the level of incomes from falling, and although the supply situation has improved owing to an increase in imports in 1946 and 1947 the increases in manually have not been sufficient to prevent further price rises.

(b) Wages and Prices

60. Wages in Palestine responded fairly quickly to increases in the cost of living as a result of the acute shortage of labour which developed.

⁽¹⁾ Government of Palestine, official index.

⁽²⁾ Idem Vol. III, Section 15.

Increases in wages took the form of increases in basic rates and allowances directly linked with the cost of living index. Thus average industrial earnings increased in the case of Arabs by 200% and in the case of
Jews by 258% between 1939 and 1945. Earnings in some agricultural occupations increased even more than this and in the construction trades
the increase in earnings of unskilled workers between 1939 and 1945 was
405% in the case of Arabs and 329% in the case of Jews. On the average,
therefore, it seems that despite the price increases there was not much
fall in real wages while for some groups of workers real wages actually
increased.

(c) Agricultural Debt

61. One effect of the wartime price increases has been to relieve the cultivators of the burden of debt. An enquiry made before the war indicated that the average Arab cultivator was considerably burdened by debt, which in some instances amounted to as much as the cultivator's total annual cash income. At the same time the increased demand for labour offered an additional source of income and in consequence the income and standard of living of many Arab producers have increased.

(d) Reconversion to Peace-time Conditions

- 62. In relation to its capacity in 1939 Palestine industry was greatly expanded in response to war demands. During the war 130,000 people were either in the armed forces, working on military construction, or on production for military orders. Since the war the re-absorption of this labour force has had no significant effect on the labour market. This is mainly accounted for by:
 - (a) the high volume of demand which has been maintained by the continuance of military expenditure at a level which is about 20% of the total national income together with the delayed demand which could not be satisfied during the war.
 - (b) a continued shortage of supplies of both industrial and agricultural consumer goods.

/63. Although

- classified of food production on Jewish mixed farms in Palestine are relatively high and the pressure to maintain industrial wages is in consequence very strong, and since the rise in industrial wages has not been altogether offset by increases in output per worker, the labour costs of Palestine industry are high. When the world shortages of consumer goods are overcome, Palestine industry will be subject, both at home and in external markets, to the competition of lower cost production. To the extent that a fall in food prices would permit a fall in wages this situation would be improved with a fall in world wheat prices since Palestine at present imports wheat from other Middle East countries at very high prices.
- 65. It remains, however, to consider that a considerable fall in military expenditure would bring about a fall in income and in prices unless offset by investment from other sources.
- 66. Should this occur, a period of economic depression and unemployment would be the natural consequence. Thus the Palestine economy
 may be expected in the near future to have to adjust itself to the double
 effect of increasing industrial competition and a fall in income as a
 result of the reduction of military expenditure.
- 67. Owing to its associations for three world religions Palestine is likely to attract a great many tourists when peace is restored there and world economic conditions improve. Such tourist traffic is likely to provide a considerable source of income, and this would, of course, offset in some degree the effects which might otherwise follow from a heavy fall in the present military expenditures.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

C. Palestine under the Mandate

The Mandate

68. On 25 April 1920, the Supreme Council of the Allied Powers agreed to allocate the Mandate for Palestine to Great Britain on the understanding that the Balfour Declaration (1) would be put into effect. The draft Mandate was confirmed by the Council of the League of Nations on 24 July 1922, and entered into force formally on 29 September 1923. Following its occupation by British troops in 1917-18 Palestine had been controlled by the Occupied Enemy Territory Administration of the United Kingdom Government. Anticipating the inauguration of the Mandate, the United Kingdom Government, as from 1 July 1920, replaced the military with a civilian administration, headed by a High Commissioner ultimately responsible to the Secretary of State for the Colonies in Great Britain.

- 69. The preamble and articles of the Mandate are reproduced as Annex 20. As a perspective for reviewing the administration of the Mandate in Palestine, the following obligations are of major significance:
 - (1) The placing of the country "under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble..." (Art. 2), considered together with the obligation to "facilitate Jewish immigration under suitable conditions" and "encourage, in cooperation with the Jewish Agency referred to in Art. 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes." (Art. 6.)
 - (2) The safeguarding of the "civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion" (Art. 2), taken together with the proviso in the Balfour Declaration reproduced in the preamble, "it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine" and the similar proviso of "ensuring that the rights and position of other sections of the population are not prejudiced..." (Art. 6.)

⁽¹⁾ Annex 19.

- (3) The placing of the country "under such political, administrative and economic conditions as will secure...the development of self-governing institutions..." (Art. 2) and the encouragement "so far as circumstances permit", of "local autonomy" (Art. 3.)
- (4) The responsibility for the welfare of Palestine as a community:
 Thus to "safeguard the interests of the community in connection with the development of the country" with special reference to making provision for public ownership or control of natural resources, public works, services and utilities; for introducing an appropriate land system and promoting its close settlement and intensive cultivation (Art. 11), together with the provision in Art.2 safeguarding the civil and religious rights of all the inhabitants of Palestine and that of Art. 15: "No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language."
- (5) The responsibilities regarding the Holy Places (1) (Art. 13, 14.)

70. Under Article 25 of the Mandate the Mandatory Power, with the consent of the Council of the League of Nations, was empowered to withhold, in the territories lying between the Jordan and the eastern boundary of Palestine, application of those provisions of the Mandate (other than those in Art. 15, 16 and 18) considered to be inapplicable. In September 1922 the Council of the League approved a British Government memorandum which defined the boundaries of Transjordan and excluded it inter alia from the provisions of the Palestine Mandate regarding the Jewish National Home.

The Mandate in Practice

Vol. III, P 2569 ff.

71. The constitutional basis of the Government of Palestine established by the Mandatory Power is set out in the Palestine Orders in Council 1922 - 1940. The original Palestine Order in Council of 10 August 1922⁽²⁾ was amended in 1927 to provide that the High Commissioner, without prejudice to powers inherent in or reserved by the Order to the King (Art. 89 of the 1922 Order) and subject to

⁽¹⁾ The question of the Holy Places is dealt with in Chapter III. (2) For text see R. H. Drayton (ed.): The Laws of Palestine,

⁽³⁾ Palestine (Amendment) Order in Council 1923, Art. 3. Subsequent references are also to this Article.

RECORD OFFICE,

6187

instructions given him by His Majesty's Government, "shall have full power and authority...to promulgate such Ordinances as may be necessary for the peace, order and good government of Palestine..." It is specifically provided, however, that no ordinance promulgated should restrict "complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals" or which "shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language." Of particular relevance to the Administration's discharge of the Mandate is the further provision that "No Ordinance shall be promulgated which shall be in any way repugnant to or inconsistent with the provisions of the Mandate and no Ordinance which concerns matters dealt with specifically by the provisions of the Mandate shall be promulgated until a draft thereof has been communicated to a Secretary of State and approved by him with or without amendment."

the administration of Palestine is carried on by a High Commissioner responsible to the Secretary of State for the Colonies in the United Kingdom Government. He is assisted by an Executive Council consisting of senior officers appointed from time to time and including ex officio the Chief Secretary (the principal executive officer of the Government), the Attorney General and the Financial Secretary. In 1973 powers of legislation were conferred on the High Commissioner and provision was made for an Advisory Council which the High Commissioner is bound to consult before Ordinances are promulgated. The Advisory Council is composed of executive Council members, heads of major Government departments and District Commissioners. Centrally the Government is organized into various departments responsible for the discharge of prescribed duties. For general administrative purposes Palestine

/is divided

2.00

is divided into six administrative districts (1), each under the control of a District Commissioner acting as representative of the Government in his district and responsible to the Chief Secretary. He is assisted by a deputy District Commissioner and one or more assistant District Commissioners. In 1945 the total number of government employees was approximately 45,000 of which some 68 per cent were Arab, 21 per cent Jewish and 10 per cent British (reduced to some 4 per cent if police other than officers are omitted). Government posts of any importance including those of the level of assistant District Commissioners (2) are held by British officials, though it was submitted in evidence to the Committee that since 1939, in accordance with the White Paper, attempts were being made to bring Palestinians into more responsible posts (3).

73. In August 1937 the Permanent Mandates Commission of the League of Nations pronounced in the course of its preliminary opinion to the course of its prelimina

"The present Mandate became almost unworkable once it was publicated declared to be so by a British Royal Commission speaking with the two-fold authority conferred upon it by its impartiality and unanimity and by the Government of the Mandatory Power itself. (4)"

74. In its own statement of policy (5) issued simultaneously with the Report of the Royal Commission, the Mandatory Power had found itself "driven to the conclusion that there is an irreconcilable conflict

(5) Cmd. 5513.

co.. dapi

 \cdot \cdot

/between

of pr

o oi

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LI

61877

⁽¹⁾ Jerusalem, Lydda (Headquarters Jaffa), Haifa, Gaza, Samaria (Headquarters Nablus) and Galilee (Headquarters Nazareth).

⁽²⁾ Of the 39 present assistant District Commissioners, one is an Arab and one is a Jew. (See Document A/AC.13/SR.6/Rev. 1, p. 9: Hearing of the representatives of the Palestine Government.)

³⁾ Ibid., p. 9 4) Permanent Mandates Commission: Minutes of the 32nd (Extraordinary) Session, p. 229.

between the aspirations of the Arabs and those of the Jews in Palestine" and "that these aspirations cannot be satisfied under the terms of the present Mandate..." It is in the light of this background of deepening conflict intensified by the events of the succeeding ten years, that the Committee feels it proper to view the working of the Mandate in Palestine. The Jewish National Home and Arab Rights

75. Few phrases in history have provoked such lasting contention as "Jewish National Home." Twenty years after the issuing of the Balfour Declaration, the Royal Commission devoted a chapter (1) of its Report to a careful appraisal of the relevant texts and historical antecedents in order to clarify the meaning of the phrase.

76. Regarding the political implications of the term "National Home," the finding of the Commission is unequivocal:

"We have been permitted to examine the records which bear upon the question and it is clear to us that the words 'the establishment in Palestine of the National Home' were the outcome of a compromise between those Ministers who contemplated the ultimate establishment of a Jewish State and those who did not. It is obvious in any case that His Majesty's Government could not commit itself to the establishment of the Jewish State. It could only undertake to facilitate the growth of a Home. It would depend mainly on the zeal and enterprise of the Jews, whether the Home would grow big enough to become a State. (2)"

77. As far as the Mandatory Power is concerned, the statement (3) of British policy in Palestine issued in June 1922 by Mr. Winston Churchill, then Secretary of State for the Colonies, has remained the authoritative interpretation. (4) The following excerpts express the substance of the Statement:

"Unauthorized statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become 'as Jewish as England

(3) Cmd. 1700.

/is English.

⁽¹⁾ Palestine Royal Commission: Report, Chapter II. (2) Ibid., Chapter II. para. 20.

⁽⁴⁾ e.g., White Paper of 1939: "His Majesty's Government adhere to this interpretation of the Declaration of 1917 and regard it as an authoritative and comprehensive description of the character of the Jewish National Home in Palestine." (Cmd. 6019, para. 6.)

is English.' His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September 1921, a resolution was passed expressing as the official statement of Zionist aims 'the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect. and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development. '.... When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection."

78. Commenting on the above passage and its context the Royal Commission concluded as follows:

"This definition of the National Home has sometimes been taken to preclude the establishment of a Jewish State. But, though the phraseology was clearly intended to conciliate, as far as might be, arab antagonism to the National Home, there is nothing in it to prohibit the ultimate establishment of a Jewish State, and Mr. Churchill himself has told us in evidence that no such prohibition was intended." (1)

79. While there have been grounds for controversy regarding the precise implication of the term "National Home", a perhaps more stubborn difficulty has emerged from the undertakings of the Mandate towards the Jewish and Arab inhabitants of Palestine respectively: the so-called "dual obligation." The general terms in which the Mandate is phrased have invited attempts to discover in them some primacy of purpose. In



⁽¹⁾ op. cit: Chapter II, para. 39.

A/AC.13/82 Page 49

1930, the Permanent Mandates Commission of the League of Nations satisfied itself "that the obligation laid down by the Mandate in regard to the two sections of the population are of equal weight." (1) Approaching the question from a strict examination of the terms of the Mandate, the Royal Commission found that "unquestionably, however, the primary purpose of the Mandate, as expressed in its preamble and its articles, is to promote the establishment of the Jewish National Home." (2) (Italics as in text.) From a different context we have the opinion of Mr. Churchill, while addressing the House of Commons on 23 May 1939, that the intention of the 1922 White Paper was "to make it clear that the establishment of self-governing institutions in Palestine was to be subordinated to the paramount pledge and obligation of establishing a Jewish National Home in Palestine." (3)

Development of the National Home

up their impressions thus: "Twelve years ago the National Home was an experiment, today it is a going concern." (4) Within the decade since their Report was issued, the Jewish population of Palestine has increased from 400,000 to some 625,000 (5). In place of the 203 agricultural settlements containing some 97,000, there are now more than 300 such settlements and small towns with a population of some 140,000. The larger towns and cities of the Yishuv (Jewish Community in Palestine) have likewise greatly expanded both in size and amenities. In particular Tel Aviv,

⁽¹⁾ Permanent Mandates Commission, Minutes of the 17th (Extraordinary)
Session, p. 145.

⁽²⁾ Palestine Royal Commission: Report, Chapter II, para. 42(4).

⁽²⁾ Parliamentary Debates - Vol. 347, No. 108 (23 May 1939), Cols. 2177-2189.

⁽⁴⁾ Op.cit.: Chapter V, para. 2.

⁵⁾ Estimate for June 1947 given in Government of Palestine: Memorandum on the Administration of Palestine under the Mandate, para. 16.

A/AC.13/82 Page 50

with a present population of over 180,000, cannot but fail to impress with its highly developed civic organization, its cultural activities and other indications of a diversified community life. Remembering the deserted sand-dunes from which Tel Aviv has sprung one can understand well enough the pride which the Jewish community takes in its creation.

81. Membership in the Jewish community is virtually automatic (1) for all Jews aged eighteen or more who have lived in Palestine for at least three months. The whole adult community aged twenty or more participates in voting for the Elected Assembly from which is formed the Vaad Leumi (National Council). (2) The Vaad Leumi maintains, almost exclusively from its own tax revenue and resources, (3) in cooperation with other community organizations, the Jewish school system and a network of public health and social services. Within the Elected Assembly may be found representatives of diversified political opinions, including influential groups (4) which do not fully share the official programme of the Jewish Agency. Similarly varied political opinion is expressed in the Histadruth (Jewish Federation of Labour), which includes in its membership of some 160,000 (approximately 75 per cent of the total Jewish working population) not only most industrial workers but farmers and professional workers.

⁽¹⁾ A minority of orthodox Jews, mainly belonging to Agudat Israel, are by their own wish not included in the Community register.

⁽²⁾ Officially recognized and granted the right to receive revenue from the Local Community rate to maintain social services and for other communal purposes under the Jewish Community Regulations (1928).

⁽³⁾ In 1945 the total expenditure in Jewish social services was more than six and a half million pounds, of which over 82 per cent came from the Jewish community, 5 per cent from the Government and the remainder from outside sources. See Vaad Leumi: The Jewish Community and Its Social Services, p. 11.

They include, e.g., the moderate Aliya Hadasha (New Immigration Party), the left-wing Socialist Hashomer Hatzair, and the Communist Party of Palestine. Though not a political party the Ihud (Unity) organization, led by Dr. J. L. Magnes, President of the Hebrew University, Jerutalem, also differs from Zionist policy in advocating a binational Palestine State.

83. The Yishuv (Jewish Community in Palestine) is thus a highly organized and closely-knit society which, partly on a basis of communal effort, has created a national life distinctive enough to merit the Royal Commission's title of "a State within a State." Proud of its own achievements in self-government and cultural life, it is sensitive to any apparent lack of appreciation of what it regards as its just and reasonable needs. Its initiative, purposiveness and self-confidence react strongly against a situation in which it finds itself under an "alien bureaucracy", (2) Its memories of the Arab rising of 1936-39, and more recent anti-Jewish pogroms in Middle Eastern countries, coupled with the immediate background of Hitlerism, keep it constantly vigilant

(2) Palestine Royal Commission, op.cit., Chapter V, para. 17.

^{(1) &}quot;An appropriate Jewish Agency shall be recognized as a public body for the purpose of advising and cooperating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country. The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish National Home." Following agreement between Zionist and non-Zionist Jews at the Zionist Congress in 1929 an enlarged Jewish Agency was formed which was recognized in 1930 by the Mandatory Power as the "public body" referred to in Article 4.

A/AC.13/82 Page 52

and preoccupied with securing adequate defense for the National Home.

Immigration and Land Settlement

84. When the Mandate was first approved in 1922 there were only some 84,000 Jews settled in Palestine. While immigration was therefore regarded as essential for the growth of the potential National Home, some form of control was necessitated by the proviso of Article 6 that the "rights and position of other sections of the population" were not to be prejudiced in consequence. The regulative principle adopted by the Mandatory Power in 1922 was explained in the Statement of Policy (Churchill Memorandum):

"...immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment."

This principle, later reaffirmed in Mr. Ramsay MacDonald's letter to Dr. Weizmann of 13 February 1931, was accepted by the Zionist Organization (1) at the time, and was also endorsed by the Permanent Mandates Commission of the League of Nations. (2)

85. By 1937 the total Jewish population had reached nearly 400,000. The first three years of the Nazi terror in Germany (1933-35) alone brought in some 135,000 immigrants. In 1936, however, there occurred incidents which grew rapidly into the widespread Arab campaign of terrorism and armed resistance directed both at the Jewish population and the police and military of the Administration. (3) We was in these

⁽¹⁾ In 1930 replaced by the Jewish Agency as the "public body" provided for in Article 4 of the Mandate.

⁽²⁾ e.g., Permanent Mandates Commission: Minutes of the 17th Session (June 1930), p. 142.

⁽³⁾ For an analysis of the 1936 disturbances, see Palestine Royal Commission: op.cit., Chapter IV. Some 4,000 lives were lost and approximately one million pounds damage to property incurred as a result of the Arab revolt of 1936-1939.

circumstances that the Royal Commission in 1937 came to the conclusion that, in determining the volume of immigration "the principle of economic absorptive capacity...is at the present time inadequate....Political and psychological factors chould be taken into account."(1)

- 86. Since 1939 Jewish immigration into Palestine has been determined in accordance with the White Paper of 1939. (2) The major decisions regarding immigration deserve notice here:
 - (1) During the five years following 1939, providing economic absorptive capacity permitted, some 75,000 Jews in all were to be admitted: 10,000 in each year together with a further 25,000 Jewish refugees as soon as adequate provision for their maintenance could be assured. The intention of the Mandatory Power was to bring the Jewish population up to approximately one-third of the total population of Palestine.
 - (2) After this five-year period, "no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."(3)
 - (3) Illegal immigration would be checked by "further preventive measures," and the numbers of any illegal immigrants entering Palestine would be deducted from the yearly quota for immigration.
- The substance of the Mandatory Power's attitude may be gleaned from the following excerpt from the White Paper: (4)

"...His Majesty's Government do not read either the Statement

RECORD

6187

Opecit.Chapter X, para. 77.

Cmd. 6019.

On 10 November 1943 the Secretary of State for the Colonies announced in the House of Commons that since the war had prevented entry of more than 43,922 legal and illegal immigrants up to 30 September 1943, His Majesty's Government would permit the balance of some 31,000 persons to enter Palestine if necessary after the closing date of 31 March 1944, "subject to the criterion of economic absorptive capacity."

Cmd. 6019, para. 12.

A/AC.13/82 Page 54

of Policy of 1922 or the letter of 1931 as implying that the Mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity. Nor do they find anything in the Mandate or in subsequent Statements of Policy to support the view that the establishment of a Jewish National Home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted; and equally, if it has a seriously damaging effect on the political position in the country, that is a factor that should not be ignored."

88. The White Paper of 1939 also substantially modified the policy of the Administration towards Jewish land settlement. Stressing the obligation under Article VI of the Mandate regarding the "rights and position" of non-Jewish sections of the population, the White Paper declared that:

"The Reports of several expert Commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created."

The White Paper's land policy was put into effect through the Land Transfers Regulations (1) of 1940. Under the Regulations, the country was divided into three zones: in the first two (2) - covering 95 per cent of the area of Palestine - the transfer of land to Jews by Palestinian Arabs was either prohibited or required the sanction of the Government; in the third (the "Free" zone) - an area of some 332,000 acres (5 per cent of the total area of Palestine), mainly in the coastal plain but including

⁽¹⁾ Cmd. 6180.

⁽²⁾ Zone A: About 4.1 million acres (63 per cent of total area), mainly the hill country and land in the south in the Gaza-Beersheba area. Transfer of land to Jews by Palestinian Arabs was prohibited, but by persons other than Talestinian Arabs transfers might in some cases be permitted.

Zone B: About 2 million acres (32 per cent of total area), comprising the valley around Lake Huleh and the Sea of Galilee area, the valley of Esdraelon, the Negeb and certain areas in the coastal plain south of Jaffa and south of Haifa. Land purchase by Jews was restricted in this area, requiring the sanction of the Falestine Government.

land round Jerusalem - all land purchase was unrestricted.

89. The White Paper of 1939 was considered at length during the 36th Session of the Permanent Mandates Commission in June 1939. The substance of its findings, as reported to the Council of the League, were: (1)

- (a) "that the policy set out...was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council, the Commission had always placed upon the Palestine Mandate";
- the Mandate, with which the White Paper would not be at variance, four members "did not feel able to state that the policy of the White Paper was in conformity with the Mandate...", while the other three members of the Commission considered that "existing circumstances would justify the policy of the White Paper, provided that the Council did not oppose it."
- 90. The reaction of Arab leaders, who were much concerned with the constitutional proposals (2), was officially to reject the Mandatory Power's policy as falling short of Arab demands. Jewish opinion may be summed up in a sentence taken from the letter (3) dated 31 May 1939 of the President of the Jewish Agency to the High Commissioner for Palestine:

"It (the White Paper) subjects the Jewish National Home to Arab rule; it perpetuates the Jewish minority position; it places Jewish immigration at the mercy of the Arabs; in short, it envisages the termination of the Mandate by jettisoning its primary purpose."

⁽¹⁾ Permanent Mandates Commission: Minutes of 36th Session, pp. 274-275. The Report was not considered by the Council of the League owing to the outbreak of the Second World War in September 1939.

⁽²⁾ See paras. 109-110.
(3) Text reproduced in Jewish Agency for Palestine (New York): Book of Documents submitted to the General Assembly of the United Nations.

May 1947, pp. 140 ff. The letter was submitted as a representation to the Permanent Mandates Commission at its 36th Session.

61877

91. Against the background of an active Jewish war effort and intensified Nazi persecution of the remnants of European Jewry, enforcement of the White Paper provisions stimulated efforts to bring illegal immigrants (1) into Palestine. The action of the Administration in circumventing illegal immigration by the seizure of immigrant ships led to constant and serious friction accompanied by mounting Jewish resistance.

92. The consequent rising tension between the Administration and the Jewish community was in no way eased by the announcement of the Biltmore Programme adopted by the Zionist Conference in New York on 11 May 1942, which, inter alia, called for unlimited immigration and for Palestine to be established as a Jewish Commonwealth. From 1945 onwards, the Jewish resistance to the enforcement of the White Paper was accompanied by increasing acts of violence, in 1946-47 culminating in the underground activities of the Irgun Zvai Leumi and the so-called Stern Group. Since the July 1946 attack by terrorists on the headquarters of the Administration Secretariat in the King David Hotel, Jerusalem, representatives of the Jewish Agency and the Vaad Leumi have from time to time condemned terrorist activities and there have been some signs of active opposition to such methods on the part of the Hagana. (2) By June 1946, however, the breach had widened so far that the Administration found it necessary to arrest and detain on grounds of public security some 2600 Jews, including four members of the Jewish Agency Executive.

93. Yet the present difficult circumstances should not distort the perspective of solid achievament arising from the joint efforts of

/the Jewish

⁽¹⁾ Since April 1939, the estimated number is 30,000 to 35,000 (Government of Palestine: Supplement to the Survey of Palestine, p. 23). Immigration since 1 October 1944 has been permitted at the rate of 1500 monthly.

⁽²⁾ The defence force of the Jewish community: an illegal organization under Palestine law. See Government of Palestine: Supplement to Survey of Palestine, p. 85. Cf. also the resolution of the Inner Zionist Council meeting in Jerusalem 29 October 1946 which denounced "bloodshed by groups of terrorists who defy national discipline and thereby place themselves outside the ranks of the Jewish Community" and called on the Yishuv to isolate and withhold any support of such groups. (Government of Palestine: Supplementary Memorandum, p. 21,)

the Jewish community and the Administration in laying the foundations of the National Home. In 1937 the Royal Commission concluded that as far as immigration was concerned "the Mandatory has so far fully implemented its obligation to facilitate the establishment of a National Home for the Jewish people in Palestine." (1) At the same time the Commission laid down its view regarding the future: "This does not mean that the National Home should be crystallized at its present size....We cannot accept the view that the Mandatory, having facilitated the establishment of the National Home, would be justified in shutting its doors." (2)

94. Two years later, the White Paper expressed the conviction of the Mandatory that, with a defined addition of a specified number of immigrants, the National Home must be regarded as fully established. That policy, modified by the admission for the time being of 1500 Jewish immigrants per month, still stands. The recommendation of the Anglo-American Committee of Inquiry for the immediate admission of 100,000 Jews, while in substance accepted in the Mandatory Power's constitutional proposals (3) of 1946-47, was not put into practice. Similarly no effect has been given to the Anglo-American Committee's recommendation for the rescinding of the Land Transfer Regulations and providing for "freedom in the sale, lease or use of land irrespective of race, community or creed."

Rights and Position of the Arabs (4)

95. The Mandate speaks in general terms only of safeguarding or not prejudicing the "civil and religious rights" and the "rights and position" of the Arab community in Palestine. Regarding interpretation, in January 1918 the British Government assured King Hussein in the form

⁽¹⁾ Op.cit. Chapter X, para. 95.

²⁾ Ibid.

³⁾ See Chapter IV below.

⁽⁴⁾ The terms of the Mandate (Preamble and Article 6) are "non-Jewish communities" and "other sections of the population." The Arab community alone is discussed here; special interests of the Christian community are dealt with in Chapter III below.

of the "Hogarth Message", that the aspirations of the Jews for a return to Palestine would be realized "in so far as is compatible with the freedom of the existing population, both economic and political," though this interpretation was not officially made known to the Permanent Mandates Commission until 1939⁽¹⁾ nor was it acceptable to the Commission as a whole.

96. Whatever the intended implication of "civil" rights, Arab leaders in Palestine have consistently denied the legality of the Mandate and demanded cessation of Jewish immigration, independence, and full national self-government. (2) Actions b the Mandatory Power and the Palestine Administration designed to safeguard Arab rights under the Mandate have thus tended to be judged in accordance with these unchanging criteria.

97. Setting aside these ultimate standards of reference for the moment, one may find in the record of the Palestine Administration evidence of persistent effort to effect gradual improvements in the economic and social condition of the Arab population. In examining such evidence, particularly in regard to land utilization and agricultural development, due account has to be taken of the pioneer nature of the task which the Administration faced:

"The country was disease-ridden, underdeveloped, poverty-stricken; it had the scantiest facilities for education, virtually no industry, and an indifferent agricultural regime. Internally it was given to lawlessness and it was open to the predatory attention of nomad bands from the desert. To make self-advancement possible and to open the way for private enterprise, state action in all these fields had been required." (3)

⁽¹⁾ Permanent Mandates Commission: Minutes of 36th Session, p. 97 and Cmd. 5964 (1939).

⁽²⁾ The Arab view of the Mandate is discussed in Chapter II D below.

⁽³⁾ Government of Palestine, Memorandum on the Administration of Palestine under the Mandate, page 10, para. 23.

Regard must be had also for the recurring periods of civil disturbance, particularly in 1921, 1929-30, 1936-38 and 1945-47, which have both diverted attention from economic and social development and drained budgetary resources. (1) However, though not formally accepted by the most influential Arab leaders, the 1939 White Paper's restrictions on Jewish immigration and land settlement were plainly designed to protect Arab rights as understood by the Mandatory Power.

98. At the same time one can well understand arab criticism that more has not been done to accelerate the tempo of Arab development in economic and social affairs. It is pointed out that during 1944-46, for example, the Government spent each year only some three per cent of its total expenditure on public health and less than four per cent on education. The Government's responsibilities have been primarily directed towards the arabs since the Jews maintain, at a very much higher per capita cost, their own community health and education services. Yet despite serious and recognized inadequacies in the health services, an improvement in the general health conditions of the Arab community is indicated in the substantial reduction of the child mortality rate during the past twenty years. (2) In regard to education the responsibility, which the Administration has assumed, of eliminating illiteracy has by no means yet been discharged and the Government system of public education "still covers only some 57 per cent of Arab boys of school age and 23 per cent of the

⁽¹⁾ From 1920 to 1946, apart from maintenance of the British armed forces in Palestine which is a charge on the United Kingdom Government, total Administration expenditure on the maintenance of law and order in Palestine has been approximately 36 per cent of all Government expenditure (other than that resulting from Palestine's participation in the Second World War). See Government of Palestine: Survey of Palestine, Vol. II, p. 608.

^{(2) 39} per cent decrease between 1927 and 1944 (taking figures of deaths per 1000 survivors during the first five years of life). See Government of Palestine: Survey of Palestine, Vol. II, pp. 708-9.

girls". The criticism which the Royal Commission in 1936-37 expressed at the lack of both primary and secondary, not to mention higher, education facilities for the Arabs would still seem to apply and there can be no question as to the dissatisfaction in the Arab community with the slowness of the progress that has been realized.

99. In view of the complexity of the issues, any general estimate as to the effects of the Mandatory regime on Arab economic and social welfare (3) is not to be made lightly. In 1937 the Royal Commission commented:

"Our conclusion, then, is that, broadly speaking, the Arabs have shared to a considerable degree in material benefits which Jewish immigration has brought to Palestine. The obligation of the Mandate in this respect has been observed. The economic position of the Arabs regarded as a whole, has not so far been prejudiced by the establishment of the National Home."

Ten years later the Government of Palestine has affirmed substantially the (4)
same conclusion:

"Over all, the conditions of the Arab community have more materially improved during the past 27 years, as is shown perhaps most emphatically in their rapid increase through natural cause; their standard of living has been greatly raised; and their ability to provide for themselves in a competitive world has been enhanced."

100. However, even if it were incontrovertibly established that in economic and social life the Arab community had appreciably benefited from the establishment of the National Home and the Mandatory regime, it is plain, as the Royal Commission of 1936 emphasized, that such considerations weigh little with those who direct Arab political life. The basic premise of Arab political leaders is that self-government in an independent state from which all further Jewish immigration is barred, alone offers any acceptable guarantee of their "rights and position".

101. The Mandatory Power has attempted, within the limits of its interpretation of the "dual obligation" of the Mandate, to provide some

(2) Op-cit.: Ch. 16, paras. 12-17.

/satisfaction

⁽¹⁾ Government of Palestine: Memorandum on the Administration of Palestine under the Mandate, p. 11, para, 24.

⁽³⁾ Op. cit.: Ch. 5, para. 24.
(4) Government of Palestine: Memorandum on the Administration of Palestine under the Mandate, p. 12, para. 25.

6187

satisfaction of Arab political desires. Apart from steps taken to develop self-governing institutions, which clearly are of primary significance for Arab interests, the Administration has endeavoured to foster representative institutions within the Arab community itself. Thus, in 1921, under an Order of the Administration, the Supreme Moslem Council (1) (2) was created for the control and management of Awqaf and Sharia affairs in Palestine. Again in 1923, the Mandatory Power proposed to establish an Arab Agency which was to occupy "a position exactly analogous to that accorded to the Jewish Agency under Article 4 of the Mandate". The offer was unanimously declined by Arab leaders of the day on the grounds that it "would not satisfy the aspirations of the Arab people".

102. The Royal Commission of 1936-37 were impressed by the fact that the Arab national movement

"...is now sustained by a far more efficient and comprehensive political machine than existed in earlier years. The centralization of control...has now been as fully effected as is possible in any Arab country. All the political parties present a 'common front' and their leaders sit together on the Arab Higher Committee. Christian as well as Moslem Arabs are represented on it. There is no opposition party." (3)

103. Subsequent events have confirmed this trend. It is true that, in 1937 and again in 1939 on the question of the White Paper, differences (4) emerged in the Arab Higher Committee. Yet they were differences mainly of method and tactics rather than as to the major objectives of Arab nationalism. The dissolution of the Arab Higher Committee and deportation of six of its leaders, including Jamal Eff. el Husseini, by the Government of Palestine in 1937 brought little change in the structure

⁽¹⁾ Plural of Waqf: Moslem benevolent or religious endowment.

⁽²⁾ Moslem religious courts.(3) Op. cit.: Ch. 5, para. 39.

⁽⁴⁾ Between representatives of the Palestine Arab Party (led by Jamal Eff. el Husseini, kinsman and follower of the Mufti of Jerusalem, Haj Amin Eff. el Husseini) and those of the National Defence Party under the leadership of Ragheb Bey Nashashibi and inclined towards more moderate policies at the time.

RECORD OFFICE,

187

A/AC.13/82

of Arab political life. While Haj Amin Eff. el Husseini, who had been associated with the Axis during the Second World War, has not been allowed to return to Palestine, the present Arab Higher Committee, re-established in 1945 and reconstituted in 1946, now has as vice-chairman Jamal Eff. el Husseini, it being understood that the post of chairman is held open for (2) the Mufti.

104. There can be little doubt, moreover, that the present pattern of control is expressed throughout the local Arab communities by means of a net-work of committees. Decisions taken at the centre, whether relating to an economic boycott of Jewish goods or to the attitude to be taken towards the present United Nations Committee, are thus for the most part effectively administered throughout the Arab community.

question as that of Arab-Jewish relations, can be discerned, the more so (3) from the strong pressure that is brought against them. In times of crisis, as in 1936-38, such pressure has taken the form of intimidation and assassination. At the present time non-conformity regarding any important question on which the arab Higher Committee has pronounced a policy is represented as disloyalty to the arab nation. The arab community, being essentially agrarian, is loosely-knit and mainly concerned with local interests. In the absence of an elective body to represent divergences of interest, it therefore shows a high degree of centralization in its political life.

⁽¹⁾ Appointed Mufti of Jerusalem in 1921 and President of the Supreme Moslem Council in 1922.

 ⁽²⁾ Government of Palestine. Supplementary Memorandum, p. 13.
 (3) For evidence submitted to the Committee regarding political opposition to the Husseini party see inter alia Document A/AC.13/P.V. 32, pps. 31-47.

Development of Self-governing Institutions and Local Autonomy

106. In its Statement of Policy of June 1922 the United Kingdom (1)
Government declared:

"It is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine, but they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly."

The Mandatory Power's attempts to introduce a measure of self-government in Palestine can be understood only within the context of divergent Arab-Jewish aspirations. In October 1920, an Advisory Council was established consisting of ten British officials, seven Arabs (four Moslem and three Christian), and three Jews. In 1922, the Palestine Administration projected, as a first step towards the introduction of self-government, a Legislative Council which was to consist of the High Commissioner and twenty-two members: ten official and twelve elected (ten Arabs, of whom eight were to be Moslems and two Christians, and two Jews). The proposal was rejected by the Palestine Arab Executive on the grounds that Arab representatives should have a majority over all others and an Arab boy-cott of the elections held in 1923 created a stalemate.

the sphere of local self-government. By the beginning of 1935 same twenty elective municipal councils were in being and in the same year a municipal council composed of equal numbers of Arabs and Jews was established in Jerusalem. (2) Whilst Jewish criticism complained of the restrictive limits imposed on their own municipalities, particularly Tel Aviv, by the Local Government Ordinance, (3) it is clear that the first steps had been taken to "encourage local autonomy" in accordance with Article 3 of the Mandate. At present come 100 local authorities are in being, together with 40 village councils all of which are Arab.

(3) Entered into force January 1934.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

⁽¹⁾ Cmd. 1700.
(2) The Council's work became increasingly deadlocked by political dissension. In 1945, after failure to settle the question of the mayoralty, the Administration announced the appointment in place of the Council of a Commission composed solely of officials.

Of the four existing mixed municipal commissions only those in Haifa and Tiberias include Arab and Jewish members who are not Government officers.

at the end of 1935 to inaugurate a Legislative Council. It was to consist of twenty-eight members (1) presided over by "some impartial person unconnected with Palestine." The Council was empowered to initiate and recommend legislative, subject to certain far-reaching limitations, in particular the withholding of any questioning of the validity of the Mandate and the reserving to the High Commissioner of powers of direct legislation and effective control of immigration and money bills. Arab opinion on the proposal was divided between moderate elements favouring its acceptance and the Arab leaders who rejected it as falling far short of the traditional demand for full national self-government. Jewish opinion, seeing in it the prospect of domination of the National Home by an overwhelming Arab majority, was in vehement epposition.

there any fresh attempt at constitutional reform. The White Paper of that year struck a new note. Within ten years the Mandate would terminate and Palestine become an independent State subject to the conclusion of "such treaty relations with the United Kingdom as will provide satisfactorily for the commercial and strategic requirements of both countries in the future". No details as to the constitutional form of the proposed State were given but, five years following the restoration of "peace and order", an "appropriate body representative of the people of Palestine and of His Majesty's Government" was to be set up to make recommendations regarding the constitution. During the transition period

111111111 "STERICE" FU 371 61877

LON DON

^{(1) 5} officials, 2 representatives of commerce, 11 Moslems (8 elected and 3 nominated), 7 Jews (3 elected and 4 nominated) and 3 Christians (1 elected and 2 nominated).

Palestinians were gradually to be given an increasing part in the Government, the objective being "to place Palestinians in charge of all the Departments of Government, with the assistance of British advisers and subject to the control of the High Commissioner."

that it was "a surrender to Arab terrorism" the effect of which "is to deny to the Jewish people the right to reconstitute their National Home in their ancestral country." Since the proposal did not measure up to the political demands proposed by Arab representatives during the Lenden Conference of early 1939, it was officially rejected by the representatives of Palestine Arab parties acting under the influence of Haj Amin Eff. el Husseini. More moderate Arab opinion represented in the National Defence Party (2) was prepared to accept the White Paper.

Nations in 1945 and dissolution of the League of Nations the following year opened a new phase of the Mandatory regime. The Mandatory Power, in the absence of the League and its Permanent Mandates Commission, had no international authority to which it might submit reports and generally account for the exercise of its responsibilities in accordance with the terms of the Mandate. Having this in mind, at the final session of the League Assembly the United Kingdom representative declared that Palestine would be administered "in accordance with the general principles" of the existing Mandate until fresh arrangements had been reached." (3)

At the Assembly meeting of 18 April 1946 a resolution on mandates was passed which declared inter alia that the Assembly: (4)

(4) Ibid: p.58.

1 | 1 | 6 | Reference: FO 371 61877

RECORD OFFICE,

⁽¹⁾ Statement by the Jewish Agency on the White Paper of 1939. Text reproduced in the Jewish Agency for Palestine: Book of Documents, pp. 137-138.

 ⁽²⁾ Formed in December 1934 by Ragheb Bey Nashashibi.
 (3) League of Nations Official Journal (Special Supplement No. 194): Records of the 20th (Conclusion) and 21st Ordinary Sessions of the Assembly, p.28.

"Recognizes that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;

"Takes note of the expressed intentions of the Members of the League now administering territories under mard ate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective Mandatory Powers."

112. On 1 May 1946, the Report of the Anglo-American Committee of Inquiry was published. Its major constitutional proposals were:

- (a) that "Palestine shall be neither a Jewish state nor an Arab state", but that it should "ultimately become a state which guards the rights and interests of Moslems, Jews and Christians alike."
- (b) that until Arab-Jewish hostility disappears "the Government of Palestine be continued as at present under mandate pending the execution of a trusteeship agreement under the United Nations." A long period of trusteeship was envisaged in view of the Committee's conviction as to the depth of political antagonism between Arab and Jew and it was proposed that the trusteeship burden would be lightened "if the difficulties were appreciated and the Trustee had the support of other members of the United Nations."
- 113. Following an examination of the Anglo-American Committee's deport by a group of British and American officials, in July 1946 the so-called Morrison Plan (2) was projected by the Mandatory Power as a basis for discussion with Arab and Jewish representatives and those

⁽¹⁾ Anglo-American Committee of Inquiry: Report to the United States

Government and His Majesty's Government of the United Kingdom,
Ch. 1, Recommendations 3 and 4.

(2) Cmd. 7044.

A/AC.13/82 Page 67

of the Arab States at a conference (1) held in London later in the year. In its constitutional aspects the plan provided for division of Palestine into four semi-autonomous areas including an Arab and Jewish province, and a Central Government whose powers were to be exercised maitfally by the High Commissioner assisted by a nominated Executive Council. The provinces were to have only such powers as were expressly conferred and authority in major fields was reserved to the Central Government.

Arab delegates to the London Conference also unanimously opposed the plan (2) and suggested as an alternative that Palestine should become an independent unitary State with a permanent Arab majority in which the Jewish community would be entitled to seats in a legislative assembly proportionate to the number of Jewish citizens with Palestinian citizenship, provided that the number of Jewish representatives should in no case exceed one-third of the total membership.

Conference in London submitted a new proposal (3) for a five-year British trusteeship over Palestine as a preparation for independence. The proposed trusteeship agreement was to provide for a wide measure of local autonomy in Arab and Jewish areas and the High Commissioner was to seek the formation at the centre of a representative Advisory Council. After four years a Constituent Assembly was to be elected and, providing agreement could be reached between a majority of Arab and Jewish representatives respectively, an independent State would be established immediately.

⁽¹⁾ Neither the Jewish Agency, nor the Palestinian Arabs in the first instance, accepted invitations and the conference was attended by representatives of the Arab States only, together with the Secretary General of the Arab League.

⁽²⁾ See Cmd. 7044, pp. 9-11.
(3) The so-called Berin Plan. See Cmd. 7044, pp. 11-14.

RECORD

OFFICE,

61877

A/AC.13/82 Page 68

delegations and to representatives of the Palestine Arab Higher
Committee then present at the London Conference and also to the
Jewish Agency. The leaders of the Arab Delegations "re-emphasized
that no proposal which involved any form of partition or Jewish
immigration would be acceptable as a basis for a solution of the
problem."

The Jewish Agency's statement

declared that the
proposals were incompatible with the basic purposes of the Mandate
and with Jewish rights to immigration, and settlement and ultimate
statehood. In this situation, and in accordance with its declaration of 7 February 1947 that "His Majesty's Government are not prepared to continue indefinitely to govern Palestine themselves merely
because Arabs and Jews cannot agree upon the means of sharing its
government between them", the Mandatory Power referred the question
of "the future Government of Palestine" to the United Nations.

The Present Situation

In many respects the country is living under a semi-military regime.

In the streets of Jerusalem and other key areas barbed wire defences, road blocks, machine gun posts and constant armoured car patrols are routine measures. In areas of doubtful security Administration officials and the military forces live within strictly policed security zones and work within fortified and closely-guarded buildings. Freedom of personal movement is liable to be severely restricted and the curfew and martial law have become a not uncommon experience. The primary purpose of the Palestine Government, in the circumstances of recurring terrorist attacks, is to maintain what it regards as the essential conditions of public security. Increasing resort has been had to special

/Security

⁽¹⁾ Document A/AC.13/2, p. 356.

⁽²⁾ Ibid: pp.347-351.

6187

security measures provided for in the Defence Emergency Regulations. Under these regulations, a person may be detained for an unlimited period, or placed under police supervision for one year, by order of an area Military Commander and may be deported or excluded from Palestine on order of the High Commissioner. Where there are "reasons to believe that there are grounds which would justify...detention...or deportation", any person may be arrested without warrant by any member of His Majesty's Forces or any police officer and detained for not more than seven days pending further decision by the Military Commander. The regulations concerning Military Courts prohibit a form of judicial appeal from or questioning of a sentence or decision of a Military Under the regulations wide-spread arrests have been made and as of 12 July 1947, 820 persons (3) were being held in detention on security grounds, including 291 in Kenya under the Kenya Control of Detained Persons Ordinance, 1947. The detainees were all Jews with the exception of four Arabs. In addition to these, 17,873 illegal immigrants were under detention. (4)

118. The attitude of the Administration to the maintenance of public security in present circumstances was stated to the Committee in the following terms: (5)

"The right of any community to use force as a means of gaining its political ends is not admitted in the British Commonwealth. Since the beginning of 1945 the Jews have implicitly claimed this right and have supported by an organised campaign of lawlessness, murder and sabotage their contention that, whatever other interests might be concerned,

(2) The sentences of Military Courts are subject to confirmation by the General Officer Commanding to whom petition for reconsideration of sentence may be made.

(4) 15,864 in Cyprus under the Cyprus Detention (Illegal Immigrants) Law, 1946. (5) Government of Palestine: Supplementary Memorandum, p.56, paragraph 3.

⁽¹⁾ Authorized under the Palestine (Defence) Order in Council 1937 which empowered the High Commissioner to make regulations in the interests of public security during the period of Arab terrorism 1936-39. See Government of Palestine: The Defence (Emergency) Regulations 1945 (as amended until 2 March 1947).

^{(3) 492} had been detained for 11 months (approximate average period), 33 for 12 months, 4 for 6 months, and 291 (at present in Gilgil Camp, Kenya) for 21 months. See Document A/AC.13/NC.77: Communication from the Government of Palestine on Detentions.

nothing should be allowed to stand in the way of a Jewish State and free Jewish immigration into Palestine. It is true that large numbers of Jews do not today attempt to defend the crimes that have been committed in the name of these political aspirations. They recognise the damage caused to their good name by these methods in the court of world opinion. Nevertheless, the Jewish community of Palestine still publicly refuses its help to the Administration in suppressing terrorism, on the ground that the Administration's policy is opposed to Jewish interests. The converse of this attitude is clear, and its result, however much the Jewish leaders themselves may not wish it, has been to give active encouragement to the dissidents and freer scope to their activities."

There can be no doubt that the enforcement of the White Paper of 1939, subject to the permitted entry since December 1945 of 1500 Jewish immigrants monthly, has created throughout the Jewish community a deep-seated distrust and resentment against the Mandatory Power. This feeling is most sharply expressed in regard to the Administration's attempts to prevent the landing of illegal immigrants. During its stay in Palestine, the Committee heard from certain of its members an eye-witness account of the incidents relating to the bringing to Haifa port under British naval escort of the illegal immigrant ship, In this, as in similar incidents, the Committee has noted the persistence of the attempts to bring Jewish immigrants to Palestine irrespective of determined preventive measures on the part of the Administration, and also the far-reaching support which such attempts receive from the Jewish community in Palestine and abroad. The unremitting struggle to admit further Jews into Palestine, irrespective of the quota permitted by the Administration, is a measure of the rift which has developed between the Jewish Agency and the Jewish community on the one hand and the Administration on the other. In the present state of tension little practicable basis exists for the discharge by the Jewish Agency of its function under the Mandate of "advising and cooperating" with the Administration in matters affecting the interests of the Jewish community.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

⁽¹⁾ See Document A/AC.13/SR.37, p.1-2.

120. As far as the Arab community is concerned, the Committee has had less opportunity of ascertaining its attitude in detail in view of the boycott on association with the Committee pronounced by the Arab Higher Committee. During the hearings of representatives of the Arab States at Beirut, however, the Arab assessment of the present situation of unrest in Palestine was stated thus: (1)

"Zionism, however, does not content itself with mere propaganda in favour of the fulfilment of its expansionist projects at the expense of the Arab countries. Its plan involves recourse to terrorism, both in Palestine and in other countries. It is known that a secret army has been formed with a view to creating an atmosphere of tension and unrest by making attempts on the lives of representatives of the governing authority and by destroying public buildings...This aggressive attitude, resulting from the Mandatory Power's weakness in dealing with them, will not fail to give rise in turn to the creation of similar organizations by the Arabs. The responsibility for the disturbances which might result therefrom throughout the Middle East will rest solely with the Zionist organizations, as having been the first to use these violent tactics."

It was declared at the same meeting that "against a State established by violence, the arab States will be obliged to use violence; that is a legitimate right of self-defence." (2)

has partly taken the form of the economic boycott of Jewish goods decided on by a resolution of the Council of the Arab League in December 1945. Representatives of the Arab States stressed in evidence to the Committee that the boycott would prove effective on grounds of the dependence of Jewish industry on the market of Arab countries. Within Palestine, though it would be difficult to

⁽¹⁾ Document A/AC.13/P.V.38, p.10.

⁽²⁾ Ibid: p.12.

⁽³⁾ For text see Government of Palestine Survey of Palestine, Vol.I, pp.84-85.

⁽⁴⁾ Document A/AC.13/P.V.39, p.17.

estimate its present effectiveness, the boycott is regarded by the Arab leaders as an important means of furthering their political aims. During the Arab Conference in Haifa in July 1947, Jamal Eff. el Husseini spoke of the necessity of "strengthening the boycott in order to pull down Zionist existence" and warned Arab merchants who did not observe the boycott that they would be regarded as "traitors", since "the nation cannot keep patient over humiliation." (1)

122. The view of the Mandatory Power on Arab-Jewish relations was given by the British Foreign Secretary in the House of Commons on 13 November 1945, as follows:

"The whole story of Palestine since the Mandate was created has been one of continued friction between the two races culminating at intervals in serious disturbances. The fact has to be faced that since the introduction of the Mandate it has been impossible to find common grounds between the Arabs and the Jews."

Yet, while recognizing that in practice the Mandate has become unworkable, one cannot ignore the belief of those responsible for the Balfour Declaration and the Palestine Mandate that the obligations undertaken towards Arabs and Jews respectively would not seriously conflict.

To many observers at the time, conclusion of the Feisal-Weizmann Agreement (2) promised well for the future cooperation of Arab and Jew in Palestine. If Arab protests and uprisings in the nineteen-twenties seemed to give warning of seriousconflict, it was assumed, and repeatedly proclaimed by the Mandatory Power, that the necessary measures of Arab-Jewish cooperation would be found to bridge the gap between the two communities within the framework of the Mandate.

¹⁾ Palestine Press Review, 8 July 1947.

⁽²⁾ January 1919 between Emir Feisal, son of King Hussein and Dr. Weizmann, President of the Zionist Organization.

⁽³⁾ See Palestine Royal Commission: op. cit, Ch. 3, paragraphs 66-68, for evidence of the persistence of this view.

123. In the circumstances of the Mandatory regime that necessary measure of understanding between the two peoples of Palestine has not yet been evident. The immediate and compelling reality is the constant pressure exerted by Arab and Jewish political leaders to maintain and advance their respective national interests. Yet there are those, both Jew and Arab, who believe in the possibility of mutually advantageous understanding and, as circumstances permit, seek its promotion. (1) Instances of cooperation and good neighbourly relations in the affairs of everyday life may be observed. In the field of labour joint Jewish-Arab strike actions have occurred. On official bodies, such as the General Agricultural Council and the Citrus Control and Marketing Boards, Arabs and Jews have cooperated in furtherance of a common interest.

objectives, however, these forms of cooperation are necessarily limited in scope and effectiveness. Their prospects of success have been and are determined by the complex of political and economic factors, internal and external to Palestine, which the application of a mandatory regime has brought about. Should these conditions be adjusted so as to permit the joint utilization of the resources of Palestine between the two peoples on a basis of national autonomy, the forces working for amicable relations between Arabs and Jews may yet become a significant factor in the future of Palestine.

⁽¹⁾ For evidence submitted to the Committee in this respect, see Documents A/AC.13/P.V.30 and A/AC.13/P.V.32, particularly pages 48-59.

D. The Conflicting Claims

125. The basic contentions of the Arab and Jewish claims are summarised separately in this section with a brief appraisal of each claim. The Jewish Case

126. The Jewish case, as herein considered, is mainly the case advanced by the Jewish Agency which, by the terms of the Mandate, has a special status with regard to Jewish interests in Palestine.

127. The Jewish case seeks the establishment of a Jewish State in Palestine, and Jewish immigration into Palestine both before and after the creation of the Jewish State, subject only to the limitations imposed by the economic absorptive capacity of that State. In the Jewish case the issues of the Jewish State and unrestricted immigration are inextricably interwoven. On the one hand, the Jewish State is needed in order to assure a refuge for the Jewish immigrants who are clamoring to come to Palestine from the displaced persons camps and from other places in Europe, North Africa and the Near East, where their present plight is difficult. On the other hand, a Jewish State would have urgent need of Jewish immigrants in order to affect the present great numerical preponderance of Arabs over Jews in Palestine. The Jewish case frankly recognizes the difficulty involved in creating at the present time a Jewish State in all of Palestine in which Jews would, in fact, be only a minority, or in part of Palestine in which, at best, they could immediately have only a slight preponderance. Thus the Jewish case lays great stress on the right of Jewish immigration, for political as well as humanitarian reasons. Special emphasis is therefore placed on the right of Jews to "return" to Palestine.

as to this right, the Jewish case rests on the Balfour Declaration of 1917 and on the Mandate for Palestine, which incorporated the Declaration in its Preamble, and recognized the historic connection of the Jewish people with Palestine and the grounds for reconstituting the Jewish National Home there.

129. It is the Jewish contention that the Mandatory in Palestine became a trustee for the specific and primary purpose of securing the establishment.

RECORD

OFFICE,

LON DON

/of the

of the Jewish National Home by means of Jewish immigration which must be facilitated, and by close settlement of the Jews upon the land, which must be encouraged, subject to certain safeguards.

130. In their view, the Mandate intended that the natural evolution of Jewish immigration, unrestricted save by economic considerations, might ultimately lead to a commonwealth in which the Jews would be a majority.

- 131. They regard the pledges to the Jews in the Balfour Declaration and the Mandate as international commitments not to the Jews of Palestine alone, who were at the time only a small community, but to the Jewish people as a whole, who are now often described as the "Jewish nation".
- 132. They contend that there has been no change in conditions since these intentions were expressed, for the existence of an Arab majority was a fact well understood at the time when the legal and political commitments of the Mandate were originally made.
- 133. The Jews, it is urged, have built in Palestine on the basis of faith in the international pledges made to the Jewish people and they cannot be halted in midstream.
 - (a) The Jewish immigrants to Palestine, who are said to be merely returning to their homeland, are portrayed as having been primarily responsible for developing the economy of the country, for establishing an infant industry, for cultivating theretofore waste lands, for instituting irrigation schemes and for improving the standard of living of Palestine Arabs as well as Jews.
 - (b) The immigrant Jews displace no Arabs, but rather develop areas which otherwise would remain undeveloped.

/free

134. They contend that no time limit was suggested for immigration or settlement. The Mandate, it is claimed, was to be terminated only when its primary purpose, the establishment of the Jewish National Heme, had been fulfilled. That Home will be regarded as having been established only when it can stand alone, for there can be no security for it unless it is

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| | | 2 | 3 | 4 | 5 | 6 | Reference: FO 371 61877

free from Arab domination. Any proposed solution, therefore, should ensure the existence and continued development of the Jewish National Home in accordance with the letter and the spirit of the international pledges made.

- (a) The establishment of the Jewish Home and State will, it is claimed, do no political injustice to the Arabs since the Arabs have never established a government in Palestine.
- (b) In the Jewish Home and State the Arab population, which, as a result of accelerated Jewish immigration, will have become a minority population, will be fully protected in all of its rights on an equal basis with the Jewish citizenry.

Appraisal of the Jewish Case

- agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory the administration of the territory of Palestine. They also agreed that this Mandatory should be responsible for putting into effect the Balfour Declaration. Article 2 of the Mandate made the Mandatory responsible for placing the country under such political, administrative and economic conditions as would assure:
 - (a) the establishment of a Jewish National Home, as laid down in the Preamble, and
 - (b) the development of self-governing institutions.

The obligation to assure the establishment of a Jewish National Home was qualified by Article 6, which made the Mandatory responsible for the facilitation of immigration and the encouragement of close settlement on the land.

136. There has been great controversy as to whether the obligations relating to the National Home and self-governing institutions were equal /in weight

opinions have been expressed that between these two obligations, the Mandate recognizes no primacy in order of importance and no priority in order of execution and that they were in no sense irreconcilable. According to other opinions, however, the primary purpose of the Mandate, as expressed in its Preamble and in its Articles, was to promote the establishment of a Jewish National Home, to which the obligation of developing self-governing institutions was subordinated.

137. The practical significance of the controversy was that, if the country were to be placed under such political conditions as would secure the development of self-governing institutions, these same conditions would in fact destroy the Jewish National Home. It would appear that, although difficulties were anticipated, when the Mandate was confirmed it was not clearly contemplated that these two obligations would prove mutually incompatible. In practice, however, they proved to be so. The conflict between Arab and Jewish political aspirations, intensified by the growth of Arab nationalism throughout the Arabic speaking countries and by the growth of anti-Semitism in some European countries, excluded any possibility of adjustment which would allow the establishment of self-governing institutions. Had self-governing institutions been created, the majority of the country, who never willingly accepted Jewish immigration, would in all probability have made its continuance impossible, causing thereby the negation of the Jewish National Home.

138. It is part of the Jewish case that any restriction on immigration other than economic considerations is "liegal and in violation of the provisions of the Mandate. Article 6 of the Mandate made the Mandatory responsible for facilitating Jewish immigration under suitable conditions, while insuring that the rights and position of other sections of the population were not prejudiced. No other restriction was provided thereon.

139. By 1922 the Mandatory construed Article 6 to mean that Jewish immigration could not be so great in volume as to exceed whatever might be /the economic

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

A/AC.13/82 Page 78

the economic capacity of the country to absorb new arrivals. This interpretation was accepted by the Executive of the Zionist Organization and, thus, by construction, a restriction of the general terms of the Article was established.

140. The Jewish contention that the Mandate intended that the natural evolution of Jewish immigration might ultimately lead to a Commonwealth In which Jews would be a majority, raises the question as to the meaning of "National Home".

141. The notion of the National Home, which derived from the formulation of Zionist aspirations in the 1897 Basle program(1) has provoked many discussions concerning its meaning, scope and legal character, especially since it has no known legal connotation and there are no precedents in international law for its interpretation. It was used in the Balfour Declaration and in the Mandate, both of which promised the establishment of a "Jewish National Home" without, however, defining its meaning. The conclusion seems to be inescapable that the vagueness in the wording of both instruments was intentional. The fact that the term "National Home" was employed, instead of the word "State" or "Commonwealth", would indicate that the intention was to place a restrictive construction on the National Home scheme from its very inception. This argument, however, may not be conclusive since "National Home", though not precluding the possibility of establishing a Jewish State in the future, had the advantage of not shocking public opinion outside the Jewish world, and even in many Jewish quarters, as the term "Jewish State" would have done.

142. What exactly was in the minds of those who made the Declaration is speculative. The fact remains that, in the light of experience acquired as a consequence of serious disturbances in Palestine, the Mandatory, in a /statement

^{(1) &}quot;Zionism strives to create for the Jewish people a Home in Palestine secured by public law."

statement on "British Policy in Palestine", issued on 3 June 1922 by the Colonial Office, placed a restrictive construction upon the Balfour Declaration.(1)

143. The statement recognized for the first time "the ancient historic connection" of the Jews with Palestine (2) and declared that they were in Palestine "as of right and not on sufferance". It, however, excluded in its own terms "the disappearance or subordination of the Arabic population, language or customs in Palestine" or "the imposition of Jewish nationality upon the inhabitants of Palestine as a whole", and made it clear that in the eyes of the Mandatory Power the Jewish National Home was to be founded in Palestine and not that Palestine as a whole was to be converted into a Jewish National Home.

considerably the scope of the National Home, was made prior to the confirmation of the Mandate by the Council of the League of Nations (3) and was formally accepted at the time by the Executive of the Zionist Organization, in its capacity as the "appropriate Jewish agency" provided for in Article 4 of the Mandate. (4)

145. Nevertheless, neither the Balfour Declaration nor the Mandate precluded the eventual creation of a Jewish state. The Mandate in its Preamble recognized, with regard to the Jewish people, the "grounds for reconstituting their National Home". By providing, as one of the main obligations of the Mandatory the facilitation of Jewish immigration, it conferred upon the Jews an opportunity, through large scale immigration, to create eventually a Jewish state with a Jewish majority.

146. Both the Balfour Declaration and the Mandate involved inter/national

⁽¹⁾ British White Paper, Cmd. 1700, See relevant extracts above, paragraph 77.

⁽²⁾ Later to be mentioned in recital 3 of the Mandate.

⁽³⁾ The Mandate was confirmed on 24 July 1922.
(4) The relevant resolution runs as follows: "The Executive of the Zionist Organization, having taken note of the statement relative to 'British Policy in Palestine', transmitted to them by the Colonial Office, under date June 3rd, 1922, assured His Majesty's Government that the activities of the Zionist Organization will be conducted in conformity with the policy therein set forth". (Cmd.1700, 1922, pp. 28-29).

147. This would imply that all Jews in the world who wish to go to Palestine would have the right to do so. This view, however, would seem to be unrealistic in the sense that a country as small and poor as Palestine could never accommodate all the Jews in the world.

existence of an overwhelming Arab majority in Palestine. Moreover, the King-Crane Report, among others, had warned that the Zionist program could not be carried out except by force of arms. It would seem clear, therefore, that the provisions of the Mandate relating to the Jewish National Home could be based only on the assumption that sooner or later the Arab fears would gradually be overcome and that Arab hostility to the terms of the Mandate would in time weaken and disappear.

be a false one, since the history of the last twenty-five years has established the fact that not only the creation of a Jewish State but even the continuation of the building of the Jewish National Home by restricted immigration could be implemented only by the use of some considerable force. It cannot be properly contended that the use of force as a means of establishing the National Home was either intended by the Mandate or implied by its provisions. On the contrary, the provisions of the Mandate should preclude any systematic use of force for the purpose of its application. In its Preamble, the Mandate states that the Principal Allied Powers agreed to entrust Palestine to a Mandatory for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, (1) and the guiding principle of that Article was the well-being of the peoples not yet able to stand by themselves.

150. It has been suggested that the well-being of the indigenous

/population

copyRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

⁽¹⁾ Annex 21.

population of Palestine might be ensured by the unfettered development of the Jewish National Home. "Well-being", however, in a practical sense, must be something more than a mere objective conception and the Arabs, thinking subjectively, have demonstrated by their acts their belief that the conversion of Palestine into a Jewish State against their will would be very much opposed to their conception of what is essential to their well-being. To contend, therefore, that there is an international obligation to the effect that Jewish immigration should continue with a view to establishing a Jewish majority in the whole of Palestine, would mean ignoring the wishes of the Arab population and their views as to their own well-being. This would involve an apparent violation of what was the governing principle of Article 22 of the Covenant.

- 151. That the Jews have performed remarkable feats of development in Palestine cannot be denied. The fact remains, however, that there may be serious question as to the economic soundness of much of this achievement, owing to the reliance on gift capital and the political motivation behind many of the development schemes with little regard to economic considerations.
- 152. That Jews would displace Arabs from the land were restrictions not imposed would seem inevitable, since, as land pressures develop, the attraction of Jewish capital would be an indicement to many Arabs to dispose of their lands. Scme displacement of this nature has already occurred.
- 153. It would appear that the clear implication of the Jewish contention that the National Home can be safeguarded from Arab domination only when it can stand by itself is that an independent Jewish State in all or part of Palestine is the only means of securing the promise of the Mandate for a Jewish National Home. Even a bi-national State, on a parity basis, unless there were extensive international guarantees, would not seem to meet the Jewish contention.
 - 154. The Jewish assurance that no political injustice would be done /to the

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

Arabs have pever established a government there, gains some support from the fact that not since 63 B.C., when Pompey stormed Jerusalem, has Palestine been an independent state. On the other hand, the fact remains that today in Palestine there are over 1,200,000 Arabs, two-thirds of the population, who oppose a Jewish State and who are intent on establishing an independent Arab State.

National Home in Palestine would necessarily involve continued Jewish immigration, the postponement of independence, and also, an administration by a third party, at least until the Jewish people become a majority there. Such a solution would have to be enforced in view of the opposition of the Arab population. Many Jews contend that if given the opportunity the Jews alone could defend a Jewish State. Even this, however, envisages the possibility of a violent struggle with the Arabs.

The Arab Case

156. The Arab case as here set forth is based mainly on the contentions made by the representatives of the Arab Higher Committee before the First Special Session of the General Assembly and by the representatives of the Arab States at that Session, at Beirut and Geneva.

The Arab case seeks the immediate creation of an independent Palestine west of the Jordan as an Arab State. It rests on a number of claims and contentions which are summarized below.

The Arabs emphasize the fact of an actual Arab numerical majority in the present population of Palestine in the ratio of two to one.

in undisputed possession of the country, since they are and have been for many centuries in possession of the land. This claim of a "natural" right is based on the contention that the Arab connection with Palestine has continued uninterruptedly since early historical times, since the term "Arab" is to be interpreted as connoting not only the invaders from the

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

Arabian Peninsula in the seventh century, but also the indigenous population which intermarried with the invaders and acquired their speech, customs and modes of thought in becoming permanently Arabised.

- 158. They further stress the natural desire of the Arab community to safeguard their national existence from foreign intruders in order that they may pursue without interference their own political, economic and cultural development.
- 159. The Arabs also claim "acquired" rights, based on the general promises and pledges officially made to the Arab people in the course of the First World War, including, in particular, the McMahon-Hussein Correspondence of 1915-16 and the Anglo-French Declaration of 1918.

 The Hogarth Message, the Bassets Letter, and the Declaration to the Seven are regarded as further support for the Arab claim to an independent Palestine.
 - (a) In the Arab view, these undertakings, taken collectively, provide a firm recognition of Arab political rights in Palestine which, they contend, Great Britain is under a contractual obligation to accept and uphold an obligation thus far unfulfilled.
 - (b) It is also their contention that these promises and pledges of Arab freedom and independence were among the main factors inspiring the Arabs to revolt against the Ottoman Empire and to ally themselves with Great Britain and the other Allies during the First World War.
- 160. The Arabs have persistently adhered to the position that the Mandate for Palestine, which incorporated the Balfour Declaration, is illegal, and the Arab States have refused to recognize it as having any validity.
 - (a) They allege that the terms of the Palestine Mandate are inconsistent with the letter and spirit of Article 22 of the Covenant of the League of Nations for the following reasons:

/(1) Although

11 1 1 Marie

- (1) Although paragraph 4 of Article 22 stipulated that certain communities had reached a stage of development where their existence as "independent nations" could be provisionally recognized, subject only to a limited period of tutelage under a Mandatory Power in the form of administrative advice and assistance until such time as these communities would be able to stand alone, the Palestine Mandate violated this stipulation by deliberately omitting immediate provisional recognition of the independence of the territory and by granting to the Mandatory in Article 1 of the Mandate "full powers of legis—lation and administration".
- (2) The wishes of the Palestine communities had not been "a principle consideration in the selection of the Mandatory", as provided for in Article 22, paragraph 4 of the Covenant.
- (b) The principle and right of national self-determination were violated.
- (c) The Arab States were not Members of the League of Nations when the Palestine Mandate was approved, and are not, therefore, bound by it.
- view, illegal and invalid and, therefore, Jewish immigrants have had no legal right to enter the country during the period of the Mandate, the Arab position regarding such Jews is that their presence has to be recognized as a <u>de facto</u> situation.

Appraisal of the Arab Case

162. That the Arab population is and will continue to be the numerically preponderant population in Palestine, unless offset by free and substantial Jewish immigration, is undisputed. The Arab birth rate is /considerably

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| | | 2 | 3 | 4 | 5 | 6 | Reference: FO 371 61877

considerably higher than the Jewish birth rate. Only large-scale Jewish immigration, strongly assisted by capital and efforts from outside Palestine, can provide the basis for the attainment of numerical parity between arabs and Jews in the population.

163. The Arabs of Palestine consider themselves as having a "natural" right to that country, though they have not been in possession of it as a sovereign nation.

164. The Arab population, despite the strenuous efforts of Jews to acquire land in Palestine, at present remains in possession of approximately eighty-five percent of the land. The provisions of the Land Transfer Regulations, 1940, which gave effect to the 1939 White Paper policy, have severely restricted the Jewish efforts to acquire new land.

165. The Arabs consider that all of the territory of Palestine is by right Arab patrimony. Although in an Arab State they would recognize the right of Jews to continue in possession of land legally acquired by them during the Mandate, they would regard as a violation of their "natural" right, any effort, such as partition, to reduce the territory of Palestine.

166. The desire of the Arab people of Palestine to safeguard their national existence is a very natural desire. However, Palestinian nationalism, as distinct from Arab nationalism, is itself a relatively new phenomenon which appeared only after the division of the "Arab rectangle" by the settlement of the First World War. The National Home policy and the vigorous policy of immigration pursued by the Jewish leadership has sharpened the Arab fear of danger from the intruding Jewish population.

167. With regard to the promises and pledges made to the Arabs as inducement for their support of the Allies in the First World War, it is to be noted that apparently there is no unequivocal agreement as to whether Palestine was included within the territory pledged to independence by the McMahon-Hussein correspondence. In this regard, since the question of interpretation was raised, Great Britain has consistently denied that

/Palestine

copyright of the Public Record Office, London

1 2 3 4 5 6 Reference: FO 371 61877

/was

Palestine was among the territories to which independence was pledged.

168. These promises were examined in 1939 by a Committee consisting of British and Arab representatives which was set up for that purpose during the Arab-British Conference on Palestine. The Committee considered the McMahon Correspondence and certain subsequent events and documents which one party or the other regarded as likely to shed light on the meaning or intention of the Correspondence. It examined, inter alia, the so-called "Sykes-Picot Agreement", the "Balfour Declaration", the "Hogarth Message", the "Declaration to the Seven", "General Allenby's Assurance to the Amir Feisal", and the "Anglo-French Declaration of 7 December 1918".

169. In its Report(1) the Committee stated that the Arab and the United Kingdom representatives had been "unable to reach agreement upon an interpretation of the Correspondence". (2) The United Kingdom representatives, however, informed the Arab representatives that the Arab contentions, as explained to the Committee, regarding the interpretation of the Correspondence, and especially their contentions relating to the meaning of the phrase "portions of Syria lying to the west of the districts of Damascus, Hama, Homs and Aleppo (3) have greater force than has appeared hitherto". (4) The United Kingdom representatives, moreover, informed the Arab representatives that "they agree that Palestine was included in the area claimed by the Sherif of Mecca in his letter of 14 July 1915, and that unless Palestine was excluded from that area later in the Correspondence, it must be regarded as having been included in the area in which Great Britain was to recognize and support the independence of the Arabs. They maintain that on a proper construction of the Correspondence, Palestine was in fact excluded. But they agree that the language in which its exclusion

(1) Cmd. 5974.

(2) ibid., paragraph 17

⁽³⁾ Sir H. McMahon's letter of 24 October 1915.

⁽⁴⁾ Cmd. 5974, paragraph 17

was expressed was not so specific and unmistakable as it was thought to be at the time". (1)

170. With regard to the various statements mentioned in paragraph 45, the above Committee considered that it was beyond its scope to express an opinion upon their proper interpretation and that such opinion could not in any case be properly formed unless consideration had also been given to a number of other statements made during the war. In the opinion of the Committee, it was, however, evident from these statements that "His Majesty's Government were not free to dispose of Palestine without regard for the wishes and interests of the inhabitants of Palestine, and that these statements must all be taken into account in any attempt to estimate the responsibilities which - upon any interpretation of the Correspondence His Majesty's Government have incurred towards those inhabitants as a result of the Correspondence". (2)

171. With regard to the "Hogarth Message", the Arab representatives explained that they relied strongly on a passage in the message delivered to King Hussein of the Hejaz in 1918, to the effect that Jewish settlement in Palestine would be allowed only in so far as would be consistent with the political and economic freedom of the Arab population.

172. It is noteworthy that the Hogarth Message was delivered to King Hussein in January 1918, that is, two months after the Balfour. Declaration was made. There is a clear difference between the Declaration itself, which safeguarded only the civil and religious rights of the existing non-Jewish communities and the Message which promised political freedom to the Arab population of Palestine,

173. A memorardum, presented by Emir Feisal to the Paris Peace Conference, however, would indicate that the special position of Palestine was recognized in Arab circles. He said:

/"The Jews

Reference: FO 371 61877

⁽¹⁾ Ibid., paragraph 18.

⁽²⁾ Ibid., paragraph 22,

"The Jews are very close to the Arabs in blood and there is no conflict of character between the two races. In principle we are absolutely at one. Nevertheless, the Arabs cannot risk assuming the responsibility of holding level the scales in the clash of races and religions that have, in this one province, so often involved the world in difficulties. They would wish for the effective superposition of a great trustee, so long as a representative local administration commended itself by actively promoting the material prosperity of the country."

of the Arab Kingdom of the Hejaz, signed an agreement with Dr. Weizmann, representing and acting on behalf of the Zionist Organization. In this agreement, Feisal, subject to the condition that the Arabs obtained independence as demanded in his Memorandum to the British Foreign Office of 4 January 1919, accepted the Balfour Declaration and the encouragement of Jewish immigration into Palestine. The Feisal-Weizmann agreement did not acquire validity, since the condition attached was not fulfilled at the time.

175. The Peel Commission, in referring to the matter, had noted in its Report that "there was a time when Arab statesmen were willing to consider giving Palestine to the Jews, provided that the rest of Arab Asia was free. That condition was not fulfilled then, but it is on the eye of fulfilment now".

176. With regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories, at the time of the creation of the "A" Mandates, it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there. Actually, it may well be said that the Jewish National Home and the <u>sui generis</u> Mandate for Palestine run counter to that principle.

177. As to the claim that the Palestine Mandate violates Article 22 of the Covenant because the community of Palestine has not been recognized as an independent nation and because the Mandatory was given full powers /of legislation

copyRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

of legislation and administration, it has been rightly pointed out by the Peel Commission:

- "(a) that the provisional recognition of 'certain communities formerly belonging to the Turkish Empire' as independent nations is permissible; the words are 'can be provisionally recognized' not 'will' or 'shall';
- "(b) that the penultimate paragraph of Article 22 prescribes that the degree of authority to be exercised by the mandatory shall be defined, at need by the Council of the League;
- (c) that the acceptance be the Allied Powers and the United States of the policy of the Balfour Declaration made it clear from the beginning that Palestine would have been treated differently from Syria and Iraq, and that this difference of treatment was confirmed by the Supreme Council in the Treaty of Sevres and by the Council of the League in sanctioning the mandate, "(1)

178. With regard to the allegation that the wishes of the Palestine community had not been the principal consideration in the selection of the Mandatory, it should be noted that the resolutions of the General Syrian Congress of 2 July 1919, in considering under certain conditions the possibility of the establishment of a Mandate over the Arab countries, gave Great Britain as a second choice, the United States being the first. This choice was also noted by the King-Crane Commission.

179. There would seem to be no grounds for questioning the validity of the Mandate for the reason advanced by the Arab States. The terms of the Mandate for Palestine formulated by the Supreme Council of the Principal Allied Powers as a part of the settlement of the First World War, were subsequently approved and confirmed by the Council of the League of Nations.

180. The spirit which prevailed at the creation of the Mandate for Palestine was explained by Lord Balfour at the opening of the 18th Session of the Council of the League of Nations as follows:

"The mandates are not our creation. The mandates are neither made by the League, nor can they, in substance, be altered by the League.

"Remember that a mandate is a self-imposed limitation by the conquerors on the sovereignty which they obtained over conquered territories. It is imposed by the Allied and Associated Powers themselves in the interests of what they conceived to be the general

e the genera /welfare of

welfare of mankind; and they have asked the League of Nations to assist them in seeing that this policy should be carried into effect. But the League of Nations is not the author of the policy, but its instrument. It is not they who have invented the system of mandates; it is not they who have laid down the general lines on which the three classes of mandates are framed. Their duty, let me repeat, is to see, in the first place, that the terms of the mandates conform to the principles of the Covenant, and in the second place, that these terms shall, in fact, regulate the policy of the mandatory Powers in the mandated territories.

"Now, it is clear from this statement that both those who hope and those who fear that what, I believe, has been called the 'Balfour Declaration' is going to suffer substantial modifications are in error. The fears are not justified; the hopes are not justified... The general lines of policy stand and must stand."(1)

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

⁽¹⁾ Third Year Book of the League of Nations, by Charles H. Levermore, 1922, page 137.

A/AC.13/82 Page 91

CHAPTER III.

RELIGIOUS INTERESTS AND HOLY PLACES

- 1. The General Assembly has requested the Special Committee "to give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity".
- 2. The wording of the above request clearly indicates that the General Assembly had in mind not only the religious interests of the communities inhabiting Palestine, but also the religious interests of three faiths whose millions of believers are spread over the world. For those believers Palestine is "Holy Land", because it is associated with the origin and history of their respective religions, because it contains sites and shrines which they hold in particular veneration, and because close to and associated with many of those sites and shrines there are religious, educational, and eleemosynary establishments which the communities concerned wish to preserve.
- 3. The termination of the present regime in Palestine will raise once more the difficult problem of the care of the Holy Places, which confronted the first British High Commissioner (Lord Samuel).

He has described the problem as follows:

Islam sends pilgrims to mosques in Palestine which rank next only to the Kaaba at Mecca and the Tomb at Medina; there are spots round which are entwined the strongest affections of Judaism. The access to these places, their ownership and care, have given rise to controversies through the centuries. Local disputes have often caused disturbances; the support, given by great Powers, to one party or another, has been a factor in diplomacy, and sometimes a contributory cause of enmity and of war. A new authority was now charged with the Government of Palestine. What effect would this have upon the guardianship of the Holy Places?

"The Mandate, in its thirteenth article, gave a clear direction. By it the Mandatory assumed full responsibility, and undertook to preserve existing rights and the free exercise of worship, subject, of course, to the requirements of public

/order

⁽¹⁾ Report of the High Commissioner on the Administration of Palestine (1920-1925), London, 1925 (Colonial No. 15), page 48.

order and decorum. The duty of the Administration, therefore, was to secure the observance of the status quo.

"But what if there were disputes as to the nature of the 'existing rights'? Here also the Mandate intended that provision should be made of a means of solution..."

- The "means of solution" was provided by Article 14 of the Mandate.

 The Mandatory was to appoint subject to the approval of the Council of the League of Nations a special Commission "to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine".
- No agreement could, however, be reached in the Council of the League of Nations on the constitution of the proposed Special Commission. Objections raised by religious authorities or by Powers represented on the Council of the League frustrated every effort to effect a compromise. That failure provides an additional proof of the difficulty of the problem of religious interests in Palestine. Any new procedure raises suspicions and objections.
- of the Mandate provided, the responsibility of settling difficulties and disputes connected with existing rights devolved entirely upon the Government. The Palestine (Holy Places) Order in Council 1924 withdrew from the law courts of Palestine any "cause or matter in connection with the Holy Places or religious buildings or sites in Palestine or the rights or claims relating to the different religious communities of Palestine". Jurisdiction was vested in the High Commissioner, whose decisions were "final and binding on all parties".
- 7. The claims in connection with the Holy Places, religious buildings or sites, or religious communities have been determined by the Mandatory Government on the basis of rights and practice existing during the Ottoman regime. When the Government's decision has not been accepted, a formal protest has been made by the interested community and it has been

A/AC.13/82 Page 93

been recorded that no change in the status quo was held to have occurred.

8. As regards the Christian Holy Places, century-long controversies between Powers sponsoring the respective interests of Roman Catholics and Greek Orthodoxs were settled on the basis of the status quo at the end of the Crimean War - but they were not settled between the religious communities themselves. The report of the international commission appointed by the British Government, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Wailing Wall (1) summarizes as follows the history of the establishment of the status quo and its present application as regards the Christian Holy Places:

"At the conclusion of peace (in 1855, after the Crimean War) the matters in dispute being still left undecided were submitted to the Signatory Powers, who undertook to guarantee in every respect the status quo ante bellum. The question of the protection of the Holy Places was again discussed during the peace negotiations at the conclusion of the Russo-Turkish War (1878). At that time it was laid down in the Peace Treaty itself that no alterations were to be made in the status quo without the consent of the Signatory Powers. In 1878 as well as in 1855 indications as to the administration of the status quo were based upon the same rules as those that had been proclaimed in the decree (Firman) issued by the Sultan of Turkey in 1852, which were in conformity in the main with a preceding firman of 1757...

"As apportioned between the three principal Christian Rites, viz., the Orthodox Greek Rite, the Latin (or Roman Catholic) Rite, and the Armenian Orthodox Rite, the Holy Places and their component parts may be classified into the following categories:

- (a) Certain parts which are recognized as property common to the three rites in equal shares.
- (b) Other parts as to which one rite claims exclusive jurisdiction, while other rites claim joint proprietorship.

/(c) Parts

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

⁽¹⁾ Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall at Jerusalem. December, 1930. - London 1931 page 34. (The Commission was constituted as follows: M. E. Lofgren (Sweden), M. Charles Barde (Switzerland), M. C. J. van Kempen (Netherlands)).

- (c) Parts as to which the ownership is in dispute between two of the rites.
- (d) Finally, parts the use or ownership of which belongs exclusively to one rite, but within which other rites are entitled to cense or to carry out ritual services up to a limited extent in ther ways...

"Certain strict principles are adhered to in the administration of the status quo. Thus, ... a right granted to hang up a lamp or a picture or to change the position of any such object when hung is regarded as a recognition of exclusive possession of the pillar or the wall in question ...

"It is easy to understand that the application of 'rights' of this nature must lead to great difficulties and often to litigation, especially as each alteration de facto in the prevailing practice might serve as a proof that the legal position has been altered. Therefore, the Administration has had a difficult task both in ascertaining and in maintaining the status quo. In controverted cases the objects in dispute have been sometimes allowed to fall into decay rather than risk the possibility that any alteration of the balance of power between the contestant Rites should be permitted to ensue. Hence, if the carrying out of repairs becomes urgent, it devolves upon the Administration to have them attended to, supposing it proves not to be possible in the individual case for the parties concerned to come to an amicable agreement."

- 9. The status quo as far as it has been possible to ascertain what that consists in has also been applied by the Palestine Administration as regards Moslem or Jewish sacred places and sites, which have been objects of dispute between Arabs and Jews, particularly the Wailing Wall at Jerusalem and Rachel's Tomb near Bethlehem.
- 10. It must be noted that in disputes between the Christian communities, as well as between the Moslem and Jewish communities, the Mandatory Administration, like its predecessor, the Ottoman Government, possessed the police forces necessary to impose its decisions and generally to prevent that religious disputes should result in religious strife.
- 11. Besides Article 13, relating to the Holy Places, the following Articles of the Mandate also hear upon the question of the religious interests in Palestine of Islam, Judalsm and Christianity:
 - (a) Article 9(2) provides that "respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

/and

and administration of Waqfs (1) shall be exercised in accordance with religious law and the dispositions of the founders".

- (b) Article 15(1) provides that "the Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all".
- (c) The right of each community to maintain its own schools is contained in paragraph 2 of the said Article 15, as if the drafters of the Mandate had considered that in the Holy Land of three religions the right to maintain schools was also a religious right, like "freedom of conscience" and the "free exercise of all forms of worship". Paragraph 2 of Article 15 reads as follows:

"The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired."

- (d) Article 16 provides that "the Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality".
- (e) Article 28 provides that "in the event of the termination of the Mandate" the Council of the League of Nations "shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under the guarantee of the League, the rights secured by Articles 13 and 14" of the Mandate.

/(f) The Mandate

⁽¹⁾ Moslem benevolent or religious endowments.

A/AG.13/82 Page 96

- view to "safeguarding in perpetuity" the rights in connection with the Holy Places and religious buildings or sites and the free exercise of worship. It also stipulates that, at its expiration, the privileges and immunities of foreigners, as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall be immediately re-established in so far as they have not been previously renounced (Article 8, paragraph 2). Such privileges and immunities applied in particular to Christians and to their religious establishments, schools, convents, hospitals, etc.
- 12. The re-establishment of capitulations in Palestine would now be an anachronism and the Powers concerned will probably agree that another solution must be found for the protection of foreigners and of their religious interests.
- 13. It may be contemplated that the new State (or States) which will be created in Palestine will be ready to accept undertakings aiming at preserving existing rights as regards the Holy Places and other religious interests. Such undertakings may be embodied in the Constitution (or Constitutions) of the new State (or States). With a view to maintaining religious peace in Palestine, it may be useful to stipulate that such undertakings will be guaranteed internationally. Any dispute connected with existing rights of a religious character between a Palestinian State and another State which is not settled by diplomacy might, for instance, be referred for decision by either party to the International Court of Justice.

(2) 品类的公司品类编码器。据书籍、部分的第三人称。

CHAPTER IV.

THE MAIN PROPOSALS PROPOUNDED FOR THE SOLUTION OF THE PALESTINE QUESTION

General

- 1. Proposals for the solution of the Palestine question propounded at various times by official and unofficial sources during the past decade may be broadly classified as of three main categories:
- (i) the partition of Palestine into two independent states, one Arab and one Jewish, which might either be completely separate or linked to the extent necessary for preserving, as far as possible, economic unity;
- (ii) the establishment of a unitary State (with an Arab majority, unless a Jewish majority is created by large-scale Jewish immigration); (iii) the establishment of a single state with a federal, cantonal or bi-national structure, in which the minority would, by such political structure, be protected from the fear of domination.
- 2. The following is a brief summary of the main proposals which have been but forward, including those advanced prior to the creation of this Committee as well as those submitted to it.

Main Proposals of Commissions and British, Government Plans Prior to the Creation of the Committee

3. The Royal (Peel) Commission 1937: Partition was recommended for the first time by the Royal Commission and was regarded by it as the only solution which offered any possibility for ultimate peace. While not intending that the principle of partition should stand or fall with their specific proposals, the Commission submitted a map on which the whole of Galilee, the Plain of Esdraelon and Jezreel and the Maritime Plain as far south as Isdud were allocated to the Jewish State. The greater part of Palestine to the south and east of this line would constitute the Arab area, to be united with Transjordan. Jerusalem and Bethlehem, with a corridor reaching the sea at Jaffa, and also Nazareth, would remain under British Mandate.

/4. The Partition

copyright of the Public Record OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

5. The Anglo-American Committee of Inquiry 1946 expressed the view that "now and for some time to come any attempt to establish either an independent Palestinian State or independent Palestinian States would result in civil strife such as might threaten the peace of the world." They accordingly recommended that Palestine should continue to be administered under the Mindate pending the execution of a trusteeship agreement. They also recommended that the constitutional future of Palestine should be based on three principles:

"I that Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine

II that Palestine shall be neither a Jewish State nor an Arab State

RECORD OFFICE,

/III that

III that the form of government ultimately to be established shall, under international guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish Faiths."

The concrete recommendations of the Committee of Inquiry concerned the immediate future (revocation of the Land Transfers Regulations of 1940 and authorization of 100,000 immigration certificates to be awarded in so far as possible in 1946).

- 6. Plan for Provincial Autonomy 1946: This plan (generally known as the Morrison plan) aimed at putting into effect the recommendation of the Anglo-American Committee of Inquiry "that Palestine shall be neither a Jewish State nor an Arab State". The greater part of Palestine would be divided into an Arab and a Jewish province, the latter including almost the entire area on which Jews had already settled, together with a considerable area between and around the settlements. Each province would have an elected legislature and an executive. Jerusalem and Bethlehem, together with the Negev, would remain under the direct control of the representative of the British Government acting as trustee for Palestine in virtue of a United Nations trusteeship agreement. The way was left open for future development either towards an independent federal state or towards partition, the Arab and Jewish provinces becoming independent States whose boundaries could not be modified except by mutual consent. It was contemplated that by the adoption of this plan, it would be possible to admit immediately 100,000 Jewish immigrants into Palestine, as the Anglo-American Committee had recommended, and to continue immigration into the Jewish Province, subject to the final control of the Central Government (the High Commissioner, assisted by his nominated Executive Council).
- 7. Cantonisation Plan, 1947: This plan (generally known as the "Bevin plan") provided for a five-year period of British trusteeship, /with

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

with the object of preparing the country for independence. Areas of local administration would be so delimited as to include a substantial majority either of Jews or Arabs. Each area would enjoy a considerable measure of local autonomy. The High Commissioner would be responsible for protecting minorities. At the centre, he would endeavour to form a representative Advisory Council. At the end of four years, a Constitutional Assembly would be elected. If agreement was reached between a majority of the Arab representatives and a majority of the Jewish representatives in this Assembly, an independent State would be established. In the event of disagreement, the Trusteeship Council of the United Nations would be asked to advise upon future procedure. As regards immigration the plan provided for the admission of 96,000 Jews during the first two years. Thereafter the rate of entry would be determined by the High Commissioner in consultation with his Advisory Council. In the event of disagreement, the final decision would rest with an arbitration tribunal appointed by the United Nations.

Proposals Submitted to the Committee

8. Jewish Organizations. Most Jewish organizations in Palestine and abroad which submitted written or oral statements to the Committee agreed with the Jewish Agency for Palestine and the Vaad Leumi in demanding the creation of a Jewish State. Divergencies exist between those who demand that the whole of Palestine should become a Jewish State and the organizations which would accept partition provided the territory allotted to the Jewish State permitted the settlement of a large number of new immigrants. The opposition to the creation of a Jewish State is represented by a minority. In Palestine, the Ihud (Union) Association and the Hashomer Hatzair Workers' Party are in favour of a "bi-national" State in which the two communities would have equal status and political parity. The Communist Party proposes

a democratic Arab-Jewish State which might be bi-national or federative. In the United States, opposition to Zionism is voiced by the American Council for Judaism which opposes proposals to establish a Jewish State. Such proposals are, in its view, a threat to the peace and security of Palestine and its surrounding area; they are harmful to the Jews in Palestine and throughout the world; they are also undemocratic.

9. The position of the Jewish Agency for Palestine which represents the opinion of the majority of organized Jewry in the country may be summarized as follows:

> The Agency supports the programme defined by the last Congress of the Zionist Organization (Basle, 1947): "a) that Palestine be established as a Jewish Commonwealth integrated in the structure of the democratic world;

- b) that the gates of Palestine be opened to Jewish immigration;
- c) that the Jewish Agency be vested with the control of immigration into Palestine and the necessary authority for the upbuilding of the country."
- As regards partition, the Political Survey 1946-47, submitted to the Committee by the Jewish Agency states (page 71):

".... A solution on partition lines, if it is to be at all acceptable, can hardly be regarded as other than a pis aller... Any solution of the Palestine problem which may be proposed will be judged by the Jewish people by reference to whether it ensures large-scale immigration and settlement and leads without delay to the establishment of the Jewish State."

The Arab States. The representatives of the Arab States at /Beirut 61877

Beirut put forward much the same constitutional proposals for the future government of Palestine as those advanced by the Arab States Delegations to the Palestine Conference at London in September 1946. In summary, those recommendations were:

- a) that Palestine should be a unitary state, with a democratic constitution and an elected legislative assembly,
- b) that the constitution should previde, <u>inter alia</u>, guarantees for
 - (i) the sanctity of the Holy Places and, subject to suitable safeguards, freedom of religious practice in accordance with the status que;
 - (ii) full civil rights for all Palestinian citizens,
 the naturalisation requirement being ten years
 continuous residence in the country;
 - (iii) protection of religious and cultural rights of
 the Jewish community, such safeguards to be
 altered only with the consent of the majority
 of the Jewish members in the Legislative Assembly,
- c) that the constitution should provide also for
 - (i) adequate representation in the Legislative Assembly of all important communities, provided that the Jews would in no case exceed one-third of the total number of members;
 - (ii) the strict prohibition of Jewish immigration and the continuation of the existing restrictions on land transfer. Any change in these matters would require the consent of a majority of the Arab members of the Legislative Assembly.
 - (iii) the establishment of a Supreme Court which would be empowered to determine whether any legislation was inconsistent with the Constitution.

/12. The Arab

12. The Arab plan envisaged that a constitution along these lines should be brought into being after a short period of transition under British Mandate. During the transition period the High Commissioner would first establish, by nomination, a provisional government consisting of seven Arab and three Jewish ministers. The High Commissioner would retain a power of veto throughout the transition period. The provisional government would arrange for the election of a constituent assembly of sixty members, to which it would submit a draft constitution. If within six months the constituent assembly failed to agree on the constitution, the provisional government would enact it themselves. When the constitution had been adopted, the first head of the independent Palestine state would be appointed, the Mandate would be terminated, and a treaty of alliance concluded between the United Kingdom and the State of Palestine. The plan should be completed with the least possible delay, notwithstanding the non-cooperation of any section of Palestine citizenry. Recapitulation

13. All of the proposed solutions have aimed at resolving, in one manner or another, the Palestinian dilemma: the reconciliation of two diametrically opposed claims, each of which is supported by strong arguments, in a small country of limited resources, and in an atmosphere of great and increasing political and racial tension and conflicting nationalisms.

Some of the solutions advanced have been more in the nature of palliatives than solutions. Confronted with the virtual certainty that no solution could ever be devised that would fully satisfy both conflicting parties, and probably not even one except at the expense of determined opposition by the other, arrangements have at times been suggested such as the continuation of the Mandate or the establishment of a Trusteeship, which, in the nature of the case, could only be temporary.

2 3 4 5 6 Reference:	1 1 1 1 1 2 1 1 1
	3 4 5

- 15. It is not without significance that it is only since the rise of Nazism to power in Germany, with the resultant mass movement of Jews to Palestine, that the Palestine question has become sufficiently acute to require the devising of solutions outside the framework of the normal evolution of an A Mandate. Thus, all of the significant solutions devised for Palestine are of comparatively recent origin.
- 16. Every practicable solution today, even the most extreme, is confronted with the actual fact that there are now in Palestine more than 1,200,000 Arabs and 600,000 Jews, who, by and large, are from different cultural milieux, and whose outlook, languages, religion and aspirations are separate.
- 17. The most simple solutions, naturally enough, are the extreme solutions, by which is meant those which completely reject or ignore, or virtually so, the claims and demands of one or another party, while recognizing in full the claims of the other. The Special Committee has rejected such solutions.

CHAPTER V.

RECOMMENDATIONS (I)

INTRODUCTORY STATEMENT

- 1. The Committee held a series of informal discussions during its deliberations in Geneva as a means of appraising comprehensively the numerous aspects of the Palestine problem. In these discussions the members of the Committee debated at length and in great detail the various proposals advanced for its solution.
- 2. In the early stages of the discussions it became apparent that there was little support for either of the solutions which would take an extreme position, namely, a single independent state of Palestine, under either Arab or Jewish domination. It was clear, therefore, that there was no disposition in the Committee to support in full the official proposals of either the Arab States or the Jewish Agency as described in Chapter IV of this Report. It was recognized by all members that an effort must be made to find a solution which would avoid meeting fully the claims of one group at the expense of committing grave injustice against the other.
- 3. At its forty-seventh meeting on 27 August 1947, the Committee formally rejected both of the extreme solutions. In taking this action the Committee was fully aware that both Arabs and Jews advance strong claims to rights and interests in Palestine; the Arabs by virtue of being for centuries the indigenous and preponderant people there; the Jews by virtue of historical association with the country and international pledges made to them respecting their rights in it. But the Committee also realized that the crux of the Palestine problem is to be found in the fact that two sizeable groups, an Arab population of over 1,200,000 and a Jewish population of over 600,000, with intense nationalist aspirations, are diffused throughout a country that is arid, limited in area, and poor in all essential resources. It was relatively easy to conclude,

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 Reference: FO 371 61877

therefore,

therefore, that since both groups steadfastly maintain their claims, it is manifestly impossible, in the circumstances, to satisfy fully the claims of both groups, while it is indefensible to accept the full claims of one at the expense of the other.

- 4. Following the rejection of the extreme solutions in its informal discussions, the Committee devoted its attention to the binational state and cantonal proposals. It considered both, but the members who may have been prepared to consider these proposals in principle, were not impressed by the workability of either. It was apparent that the bi-national solution, though attractive in some of its aspects, would have little meaning unless provision were made for numerical or political parity between the two population groups, as provided for in the proposal of Dr. Magnes. This, however, would require the inauguration of complicated mechanical devices which are patently artificial and of dubious practicality.
- 5. The cantonal solution, under the existing conditions of Arab and Jewish diffusion in Palestine, might easily entail an excessive fragmentation of the governmental processes, and in its ultimate result would be quite unworkable.
- 6. Having thus disposed of the extreme solutions and the binational and cantonal schemes, the members of the Committee, by and large, manifested a tendency to move toward either partition qualified by economic unity, or a federal state plan. In due course the Committee established two informal working groups, one on partition under a confederation arrangement and one on the federal state, for the purpose of working out the details of the two plans, which in their final form are presented in Chapters VI and VII of this Report, with the names of the members who supported them.
- 7. As a result of the work done in these working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as evidenced in the forty-seventh meeting of the Committee.

/On the

On the basis of this measure of agreement, a drafting subcommittee was appointed to formulate specific texts.

8. In the course of its forty-ninth meeting on 29 August
1947, the Committee considered the report of the drafting subcommittee,
and unanimously approved eleven Recommendations to the General Assembly,
the texts of which are set forth in Section A of this Chapter. A twelfth
Recommendation, with which the representatives of Guatemala and Uruguay
were not in agreement, appears in Section B.

<u>RECOMMENDATION I: Termination of the Mandata</u>

IT IS RECOMMENDED THAT

The Mandate for Palestine shall be terminated at the earliest practicable date.

COMMENT:

Among the reasons for this unanimous conclusion are the following:

- Rower, Arabs and Jews are in full accord that there is urgent need for a change in the status of Palestine. The Mandatory Power has officially informed the Committee "that the Mandate has proved to be unworkable in practice, and that the obligations undertaken to the two communities in Palestine have been shown to be irreconcilable". Both Arabs and Jews urge the termination of the Mandate and the grant of independence to Palestine, although they are in vigorous disagreement as to the form that independence should take.
- b. The outstanding feature of the Palestine situation today is found in the clash between Jews and the Mandatory Power on the one hand, and on the other the tension prevailing between Arabs and Jews. This conflict-situation,

RECORD OFFICE,

/which

A/AC.13/82 Page 108

> which finds expression partly in an open breach between the organised Jewish community and the administration and partly in organised terrorism and acts of violence, has steadily grown more intense and takes as its toll an ever-increasing loss of life and destruction of property.

- c. In the nature of the case, the Mandate implied only a temporary tutelage for Palestine. The terms of the Mandate include provisions which have proved contradictory in their practical application
- d. It may be seriously questioned whether, in any event, the Mandate would now be possible of execution. The essential feature of the Mandates System was that it gave an international status to the mandated territories. This involved a positive element of international responsibility for the mandated territories and an international accountability to the Council of the League of Nations on the part of each Mandatory for the well-being and development of the people's of those territories. The Permanent Mandates Commission was created for the specific purpose of assisting the Council of the League in this function. But the League of Nations and the Mandates Commission have been dissolved, and there is now no means of discharging fully the international coligation with regard to a mandated territory other than by placing the territory under the International Trusteeship System of the United Nations.
- e. The International Trusteeship System, however, has not automatically taken over the functions of the Mandates System with regard to mandated territories.

 Territories can be placed under Trusteeship only by

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

/means

means of individual Trusteeship agreements approved by a two-thirds majority of the General Assembly.

f. The most the Mandatory could now do, therefore, in the event of the continuation of the Mandate, would be to carry out its administration, in the spirit of the Mandate, without being able to discharge its international obligations in accordance with the intent of the Mandates System. At the time of the termination of the Permanent Mandates Commission in April 1946, the Mandatory Power did, in fact, declare its intention to carry on the administration of Palestine, pending a new arrangement, in accordance with the general principles of the Mandate. The Mandatory Power has itself now referred the matter to the United Nations.

RECOMMENDATION II: Independence.

IT IS RECOMMENDED THAT

Independence shall be granted in Palestine at the earliest practicable date.

COMMENT:

- a. Although sharply divided by political issues, the neonles of Palestine are sufficiently advanced to govern themselves independently.
- b. The Arab and Jewish peoples, after more than a quarter of a century of tutelage under the Mandate, both seek a means of effective expression for their national aspirations.
- c. It is highly unlikely that any arrangement which would fail to envisage independence at a reasonably early date would find the slightest welcome among either Arabs or Jews.

/RECOMMENDATION III:

71 61877	1				1	-
	Reference:	6	5	9	2	1 00

RECOMMENDATION III: Transitional Period

IT IS RECOMMENDED THAT

There shall be a transitional period preceding the grant of independence in Palestine which shall be as short as possible, consistent with the achievement of the preparations and conditions essential to independence.

COMMENT:

- a. A transitional period preceding independence is clearly imperative. It is scarcely conceivable, in view of the complicated nature of the Palestine problem, that independence could be responsibly granted without a prior period of preparation.
- b. The importance of the transitional period is that it would be the period in which the governmental organisation would have to be established, and in which the guarantees for such vital matters as the protection of minorities, and the safeguarding of the Holy Places and religious interests could be ensured.
- c. A transitional period, however, would in all likelihood only serve to aggravate the present difficult situation in Palestine unless it were related to a specific and definitive solution which would go into effect immediately upon the termination of that period, and were to be of a positively stated duration, which, in any case, should not exceed a very few years.

RECOMMENDATION IV: United Nations Responsibility During Transitional Period.

IT IS RECOMMENDED THAT

During the transitional period the authority entrusted with the task of administering Palestine and preparing it for independence shall be responsible to the United Nations.

Nations.

COMMENT:

- a. The responsibility for administering Palestine during the transitional period and preparing it for independence will be a heavy one. Whatever the solution, enforcement measures on an extensive scale may be necessary for some time. The Committee is keenly aware of the central importance of this aspect of any solution, but has not felt competent to come to any conclusive opinion or to formulate any precise recommendations on this matter.
- b. It is obvious that a solution which might be considered intrinsically as the best possible and most satisfactory from every technical point of view would be of no avail if it should appear that there would be no means of putting it into effect. Taking into account the fact that devising a solution which will be fully acceptable to both Jews and Arabs seems to be utterly impossible, the prospect of imposing a solution on them would be a basic condition of any recommended proposal.
- c. Certain obstacles which may well confront the authority entrusted with the administration during the transitional period make it desirable that a close link be established with the United Nations.
- d. The relative success of the authority entrusted with the administration of Palestine during the transitional period in creating the proper atmosphere and in carrying out the necessary preparations for the assumption of independence will influence greatly the effectiveness of the final solution to be applied. It will be of the

/utmost

utmost importance to the discharge of its heavy responsibilities that, while being accountable to the United Nations for its actions in this regard, the authority concerned should be able to count upon the support of the United Nations in carrying out the directives of that body.

RECOMMENDATION V: Holy Places and Religious Interests IT IS RECOMMENDED THAT

In whatever solution may be adopted for Palestine,

A. The sacred character of the Holy Places shall be preserved and access to the Holy Places for purposes of worship and pilgrimage shall be ensured in accordance with existing rights, in recognition of the proper interest of millions of Christians, Jews and Moslems abroad as well as the residents of Palestine in the care of sites and buildings associated with the origin and history of their faiths.

- B. Existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence.
- C. An adequate system shall be devised to settle impartially disputes involving religious rights as an essential factor in maintaining religious peace, taking into account the fact that during the Mandate such disputes have been settled by the Government itself which acted as an arbiter and enjoyed the necessary authority and power to enforce its decisions.
- D. Specific stipulations concerning Holy Places, religious buildings or sites and the rights of religious communities /shall

shall be inserted in the constitution or constitutions of any independent Palestinian state or states which may be created.

COMMENT:

- a. Palestine, as the Holy Land, occupies a unique position in the world. It is sacred to Christian, Jew and Moslem alike. The spiritual interests of hundreds of millions of adherents of the three great monotheistic religions are intimately associated with its scenes and historical events. Any solution of the Palestine question should take into consideration these religious interests.
- b. The safeguarding of the Holy Places, buildings and sites located in Palestine should be a condition to the grant of independence.

RECOMMENDATION VI: Jewish Displaced Persons IT IS RECOMMENDED THAT

> The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews, of whom approximately 250,000 are in assembly centers, will be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem.

COMMENT:

The distressed Jews of Europe, together with the displaced persons generally, are a legacy of the Second World War. They are a recognized international responsibility. Owing however to the insistent demands that the distressed Jews be admitted freely and immediately into Palestine and to the intense urge which exists among these people themselves to the same end, they constitute a vital

6187

RECORD

OFFICE,

and difficult factor in the solution.

b. It cannot be doubted that any action which would ease the plight of the distressed Jews in Europe would thereby lessen the pressure of the Palestinian immigration problem and consequently create a better climate in which to carry out a final solution of the question of Palestine. This would be an important factor in allaying the fears of Arabs in the Near East that Palestine and ultimately the existing Arab countries are to be marked as the place of settlement for the Jews of the world.

c. The Committee recognizes that its terms of reference would not entitle it to devote its attention to the problem of the displaced persons as a whole. It realises also that international action of a general nature is already underway with regard to displaced persons.

In view of the special circumstances of the Palestine question, however, it has felt justified in proposing a measure which is designed to ameliorate promptly the condition of the Jewish segments of the displaced persons as a vital prerequisite to the settlement of the difficult conditions in Palestine.

RECOMMENDATION VII: Democratic Principles and Protection of Minorities

IT IS RECOMMENDED THAT

In view of the fact that independence is to be granted in Palestine on the recommendation and under the auspices of the United Nations, it is a proper and an important concern of the United Nations that the constitution or other fundamental law as well as the political structure of the new /state

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

A/AC.13/82 Page 115

state or states shall be basically democratic, i.e., representative, in character, and that this shall be a prior condition to the grant of independence. In this regard, the constitution or other fundamental law of the new state or states shall include specific guarantees respecting

- a. human rights and fundamental freedoms, including freedom of worship and conscience, speech, press and assemblage, the rights of organized labor, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property; and
- b. full protection for the rights and interests of minorities, including the protection of the linguistic, religious and ethnic rights of the peoples and respect for their cultures, and full equality of all citizens with regard to political, civil and religious matters.

COMMENT:

- a. The wide diffusion of both Arabs and Jews throughout Palestine makes it almost inevitable that in any solution there will be an ethnic minority element in the population. In view of the fact that these two peoples live physically and spiritually apart, nurture separate aspirations and ideals, and have widely divergent cultural traditions, it is important, in the interest of orderly society, and for the well-being of all Palestinians, that full safe-guards be ensured for the rights of all.
 - b. Bearing in mind the unique position of Palestine /as the

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

.

A/AC.13/82 Page 116

> as the Holy Land, it is especially important to protect the rights and interests of religious minorities.

RECOMMENDATION VIII: Peaceful Relations

IT IS RECOMMENDED THAT

It shall be required, as a prior condition to independence, to incorporate in the future constitutional provisions applying to Palestine those basic principles of the Charter of the United Nations whereby a state shall

- a. undertake to settle all international disputes in which it may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered; and
- b. accept the obligation to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.

COMMENT:

- a. A fundamental objective in the solution of the Palestine problem is to achieve a reasonable prospect for the preservation of peaceful relations in the Middle East.
- b. Taking into account the charged atmosphere in which the Palestine solution must be effected, it is considered advisable to emphasize the international obligations with regard to peaceful relations which an independent Palestine would necessarily assume.

RECOMMENDATION IX: Economic Unity

IT IS RECOMMENDED THAT

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

In appraising the various proposals for the solution of the Palestine question, it shall be accepted as a cardinal principle that the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples.

COMMENT:

- a. It merits emphasis that the preservation of a suitable measure of economic unity in Palestine, under any type of solution, is of the utmost importance to the future standards of public services, the standards of life of its peoples, and the development of the country. Were the country less limited in area and richer in resources, it would be unnecessary to lay such stress on the principle of economic unity. But there are sound grounds for the assumption that any action which would reverse the present policy of treating Palestine as an economic unit, particularly with regard to such matters as customs, currency, transportation and communications, and development projects, including irrigation, land reclamation and soil conservation, would not only handicap the material development of the territory as a whole but would also bring in its wake a considerable hardship for important segments of the population.
- b. Arab and Jewish communities alike would suffer from a complete severance of the economic unity of the country. Each of the two communities, despite theinevitable economic disruptions incident to the present state of affairs in Palestine, makes vital contributions to the economic life of the country, and there is a substantial degree of economic inter-dependence between them.
- c. Despite the degree of separateness in the economic life of the Jewish and Arab communities in Palestine, the fact that unity exists in essential economic matters contributes

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

to the material well-being of both groups. If that economic unity were not maintained in essentials people in all parts of the country would be adversely affected.

RECOMMENDATION X: Capitulations

IT IS RECOMMENDED THAT

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, be invited by the United Nations to renounce any right pertaining to them to the re-establishment of such privileges and immunities in an independent Palestine.

COMMENT:

a. Article 9(1) of the Mandate for Palestine makes provision for a judicial system which "shall assure to foreigners, as well as to natives, a complete guarantee of their rights." It is especially significant, in this regard, that Article 8 of the Mandate did not abrogate consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, but merely left them in abeyance during the Mandate.

b. On the termination of the Mandate, therefore,
States having enjoyed such rights prior to the Mandate
will be in a position to claim the re-establishment of
capitulations in Palestine, and may demand, in particular,
as a condition for waiving such right, the maintenance
of a satisfactory judicial system.

c. The Committee takes the view that, since independence will be achieved in Palestine under the auspices of the /United

copyright of the Public Record Office, London

| 1 2 3 4 5 6 | Reference: FO 371 61877

United Nations, and subject to guarantees stipulated by the United Nations as a condition prior to independence, there should be no need for any State to re-assert its claim with respect to capitulations.

RECOMMENDATION XI: Appeal Against Acts of Violence
IT IS RECOMMENDED THAT

The General Assembly shall call on the peoples of Palestine to extend their fullest cooperation to the United Nations in its effort to devise and put into effect an equitable and workable means of settling the difficult situation prevailing there, and to this end, in the interest of peace, good order, and lawfulness, to exert every effort to bring to an early end the acts of violence which have for too long beset that country.

EOMMENT:

- a. The United Nations, being seized with the problem of Palestine, should exert every proper effort to secure there a climate as congenial as possible to the application of a solution of the problem, both as regards the transitional and post-transitional periods.
- b. The recurrent acts of violence, until very recently confined almost exclusively to underground Jewish organizations, are not only detrimental to the well-being of the country, but will also so augment the tension in Palestine as to render increasingly difficult the execution of the solution to be agreed upon by the United Nations.

SECTION B: Recommendation Approved by Substantial Majority
RECOMMENDATION XII: The Jewish Problem in General

(Two members of the Committee dissented from this recommendation and one recorded no opinion)

/IT IS

IT IS RECOMMENDED THAT

In the appraisal of the Palestine question, it be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.

COMMENT:

- a. Palestine is a country of limited area and resources. It already has a considerable settled population which has an unusually high rate of natural increase. It i, therefore, most improbable that there could e settled in Palestine all the Jews who may wish to leave their present domiciles, for reasons of immediate displacement or distress, or actual or anticipated anti-Jewish attitudes in the countries in which they now reside.
- b. In any case, owing to the factors of time, limited transportation, and local ability to absorb, it could not be anticipated that Palestine alone could relieve the urgent plight of all of the displaced and distressed Jews.
 - c. Further, serious account must be taken of the certain resentment and vigorous opposition of the Arabs throughout the Middle East to any attempt to solve at, what they regard as their expense, the Jewish problem, which they consider to be an international responsibility.
 - Jewish areas of Palestine during the proposed transitional period, it is to be noted that provision for limited and controlled immigration during such period is made in both the partition and federal state proposals set forth in Chapters VI and VII respectively.

CHAPTER VI

RECOMMENDATIONS (II)

- 1. The Committee, sitting informally as a means of facilitating its deliberations on specific proposals, informally set up two small working groups to explore specific proposals with regard to a plan of partition involving economic union. One of these groups was known as the Working Group on Constitutional Matters, and the other was the Working Group on Boundaries.
- 2. The Working Group on Constitutional Matters, consisting of Mr. Sandstroem, Mr. Blom, Mr. Granados, and Mr. Rand, in a series of informal meetings, formulated a plan of partition with provisions for economic unity and constitutional guarantees, which was subsequently discussed and completed in joint discussions of these two working groups.
- 3. In the course of the forty-seventh meeting of the Committee on 27 August 1947, seven members of the Committee (Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay), expressed themselves, by recorded vote, in favour of the Plan of Partition with economic union, presented by the Working Group on Constitutional Matters.
 - 4. The Plan of Partition with Economic Union is herewith reproduced.

 It consists of the following three parts:

Part I. Partition With Economic Union

Part II. Boundaries

Part III. City of Jerusalem

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

PART I

PLAN ON PARTITION WITH ECONOMIC UNION JUSTIFICATION

- l. The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews, both possessing validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties.
- 2. It is a fact that both of these peoples have their historic roots in Palestine, and that both make vital contributions to the economic and cultural life of the country. The partition solution takes these considerations fully into account.
- 3. The basic conflict in Palestine is a clash of two intense nationalisms. Regardless of the historical origins of the conflict, the rights and wrongs of the promises and counter-promises, and the international intervention incident to the Mandate, there are now in Palestine some 650,000 Jews and some 1,200,000 Arabs who are dissimilar in their ways of living and, for the time being, separated by political interests which render difficult full and effective political cooperation among them, whether voluntary or induced by constitutional arrangements.
- 4. Only by means of partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations.
- 5. The partition solution provides that finality which is a most urgent need in the solution. Every other proposed solution would tend to induce the two parties to seek modification in their favour by means of persistent pressure. The grant of independence to both States, however, would remove the basis for such efforts.
- 6. Partition is based on a realistic appraisal of the actual ArabJewish relations in Palestine. Full political cooperation would be indispensable to the effective functioning of any single state scheme, such as
 the federal State proposal, except in those cases which frankly envisage
 either an Arab or a Jewish dominated State.

/7. Partition

- 8. Jewish immigration is the central issue in Palestine today and is the one factor, above all others, that rules out the necessary cooperation between the Arab and Jewish communities in a single State. The creation of a Jewish State under a partition scheme is the only hope of removing this issue from the arena of conflict.
- 9. It is recognized that partition has been strongly opposed by Arabs, but it is felt that that opposition will be lessened by a solution which definitively fixes the extent of territory to be allotted to the Jews with its implicit limitation on immigration. The fact that the solution carries the sanction of the United Nations involves a finality which should allay Arab fears of further expansion of the Jewish State.
- 10. In view of the limited area and resources of Palestine, it is essential that, to the extent feasible, and consistent with the creation of two independent States, the economic unity of the country should be preserved. The partition proposal, therefore, is a qualified partition, subject to such measures and limitations as are considered essential to the future economic and social well-being of both States. Since the economic self-interest of each State would be vitally involved, it is believed that the minimum measure of economic unity is possible, where that of political unity is not.
- ll. Such economic unity requires the creation of an Economic association by means of a treaty between the two States. The essential objectives of this association would be a common customs system, a common currency and the maintenance of a country-wide system of transport and communications.
- parts of Palestine depends partly upon the preservation of economic unity and this is a main consideration underlying the provisions for an economic union as part of the Partition scheme. Partition, however, necessarily /changes

changes to some extent the fiscal situation in such a manner that, at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services.

One of the aims, therefore, of the economic union is to distribute surplus revenue to support such standards. It is recommended that the division of the surplus revenue, after certain charges and percentage of surplus to be paid to the City of Jerusalem are met, should be in equal proportions to the two States. This is an arbitrary proportion but it is considered that it would be acceptable, that it has the merit of simplicity, and that being fixed in this manner, it would be less likely to become a matter of immediate controversy. Provisions are suggested whereby this formula is to be reviewed.

13. This division of customs revenue is justified on three grounds:

1) The Jews will have the more economically developed part of the country embracing practically the whole of the citrus producing area which includes a large number of Arab producers. 2) The Jewish State would, through the customs union, be guaranteed a larger free trade area for the sale of the products of its industry. 3) It would be to the disadvantage of the Jewish State if the Arab State should be in a financially precarious and poor economic condition.

14. As the Arab State will not be in a position to undertake considerable development expenditure, sympathetic consideration should be given to its claims for assistance from international institutions in the way of loans of a non-self-liquidating nature, for expansion of education and public health and other vital social services.

15. International financial assistance would also be required for any comprehensive irrigation schemes in the interest of both States, and it is to be hoped that constructive work by the Joint Economic Board will be made possible by means of international loans on favourable terms.

RECOMMENDATIONS

A. Partition and Independence

- l. Palestine within its present borders, following a transitional period of two years from 1 September 1947, shall be constituted into an independent Arab State, an independent Jewish State, and the City of Jerusalem, the boundaries of which are respectively described in Parts II and III below.
- 2. Independence shall be granted to each State upon its request only after it has adopted a constitution complying with the provisions of B,4 below, made to the United Nations a declaration containing certain guarantees and signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.

B. Transitional Period and Constitution

- 1. During the transitional period, the present Mandatory Power shall:
 - (a) Carry on the administration of the territory of Palestine under the auspices of the United Nations and on such conditions and under such supervision as may be agreed upon between the United Kingdom and the United Nations, and if so desired, with the assistance of one or more Members of the United Nations;
 - (b) Take such preparatory steps as may be necessary for the execution of the scheme recommended;
 - (c) Carry out the following measures:
 - (1) Admit into the borders of the proposed Jewish State 150,000 Jewish immigrants at a uniform monthly rate, 30,000 of whom on humanitarian grounds. Should the transitional period continue for more than two years, Jewish immigration shall be allowed at the rate of 60,000 per year. The responsibility for the selection and care of Jewish immigrants and for the organizing of Jewish immigration during the transitional period shall be placed in the Jewish Agency.

/(2) The restrictions

- issued by the Palestinian Administration under the authority of the Palestine (Amendment)

 Order-in-Council of 25 May 1939 will not apply to the transfer of land within the borders of the proposed Jewish State.
- 2. Constituent assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish States, respectively. The electoral provisions shall be prescribed by the Power administering the territory. Qualified voters for each State for this election shall be persons over twenty years of age who are: a) Palestinian citizens residing in that State and b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States, respectively.

Women may vote and be elected to the constituent assemblies.

- 3. During the transitional period, no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Administration.
- 4. The constituent assemblies shall draw up the constitutions of the States, which shall embody Chapters I and II of the Declaration provided for in C. below, and include inter alia provisions for:
 - (a) establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature.
 - (b) settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered.

- (c) accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.
- (d) guaranteeing to all persons equal and non-discriminatory rights in civil, political and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religious worship, language, speech and publication, education, assembly and association.
- (e) preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to security considerations; provided that each State shall control residence within its borders.
- (f) recognize the rights of the Governor of the City of

 Jerusalem to determine whether the provisions of the consti
 tution of the States in relation to Holy Places, religious

 buildings and sites within the borders of the States and

 the religious rights appertaining thereto, are being

 properly applied and respected and to make decisions in

 cases of disputes which may arise with respect to such

 Places, buildings and sites; also accord full cooperation

 to him and such privileges and immunities as are necessary

 for the exercise of his functions in those States.
- 5. The constituent assembly in each State shall appoint a provisional government empowered to make the Declaration and sign the Treaty of Economic Union, provided for in C. and D. below.

On making the Declaration and signing the Treaty of Economic Union by either State and upon approval of such instruments as being in compliance with these recommendations by the General Assembly of the United Nations, its independence as a sovereign State shall be recognized.

If only one State fulfills the foregoing conditions, that fact will forthwith be communicated to the United Nations for such action by its General Assembly as it may deem proper. Pending such action, the regime of Economic Union as recommended shall apply.

/C. Declaration

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| | | 2 | 3 | 5 | 6 | Reference: FO 371 61877

C. Declaration

A Declaration shall be made to the United Nations by the Provisional Government of each proposed State before the interim administration is brought to an end. It shall contain inter alia the following clauses:

General Provision

The stipulations contained in the Declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Chapter I.

Holy Places, Religious Buildings and Sites

- 1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.
- 2. Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.
- 3. Holy Places and religious buildings or sites shall be preserved.

 No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government shall call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned, if no action is taken within a reasonable time.
- 4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.
- 5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected and to make decisions in cases of disputes which may arise with respect to such Places, buildings, and sites. He shall receive full cooperation and such privileges and immunities as are necessary for the exercise of his functions in the State.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

Religious and Minority Rights

- 1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion or language.
- 2. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.
- 3. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or eleemosynary bodies of any faith or to discriminate against any representative or member of them on the ground of his religion or nationality.
- 4. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired.

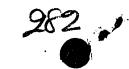
- 5. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings. (1)
- 6. No expropriation of land owned by an Arab in the Jewish State /5y a Jew in the Arab State /(2) shall be allowed except for public purposes unless the land, suitable for agricultural purposes, has remained uncultivated and unused for not less than one year after written notice of utilization thereof given and upon an order made by the Supreme Court of the respective State approving the expropriation on the grounds of absence of sufficient reasons for the non-utilization thereof. In all cases of expropriation full compensation as

/fixed



⁽¹⁾ The following stipulation shall be added to the Declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration.

⁽²⁾ In the Declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words: "by a Jew in the Arab State."



fixed by the Supreme Court, shall be paid previous to dispossession.

Chapter III.

- 1. Citizenship. Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the State in which they are resident or, if resident in the City of Jerusalem, who sign a notice of intention provided in B,2 above, of the State mentioned in such notice with full civil and political rights, provided that they do not exercise the option mentioned hereafter. Such persons, if over 18 years of age, may opt within one year for the citizenship of the other State or declare that they retain the citizenship of any State of which they are citizens, and if they exercise this option it will be taken to include their wives and children under 18 years of age; provided that no person who has signed the notice of intention referred to in B,2 above shall have the right of option.
- 2. <u>International Conventions</u>. The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.
- 3. Financial Obligations. The State shall respect and fulfill all financial obligations of whatever nature assumed on behalf of Palestine by the Mandatory Power, until its independence is recognized, including the rights of public servants to pensions, compensation or gratuities, to be negotiated where necessary with the government of the United Kingdom.

Commercial concessions heretofore granted in respect of any part of Palestine shall continue to be valid according to their terms, unless modified by agreement between the Parties.

Chapter IV.

1. The provisions of Chapters I and II of this Declaration shall be under the guarantee of the United Nations and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may /thereupon

シブニー アーメント				-	-
•	Reference:-	0	 <u></u>	_^	-

thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this Declaration shall be referred, at the request of either Party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. Economic Union

A treaty shall be entered into between the two States and signed simultaneously with the Declaration provided for in C. above. The treaty will be binding at once without ratifications. It shall contain provisions to establish the Economic Union of Palestine and to provide for other matters of common interest.

1. The Economic Union of Palestine

The objectives of the Economic Union of Palestine shall be:

- (a) A Customs Union.
- (b) A common currency.
- (c) Operation in the common interest of railways, interstate highways, postal, telephone and telegraphic services, and the Ports of Haifa and Jaffa.
- (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation.

There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations in the first instance for a term of three years.

The functions of the Joint Economic Board shall be to organize and administer, either directly or by delegation, the objectives of the Economic Union.

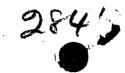
The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

/There



There shall be a common customs tariff with complete freedom of trade between the States and the City of Jerusalem.

The tariff schedules shall be drawn up by a Tariff Commission consisting of representatives of each of the States in equal numbers. In case of disagreement or failure to approve any tariff schedule by a date to be fixed, the matter shall be settled by the arbitration of the Joint Economic Board.

The following items shall be a first charge on the customs revenue:

- (a) The expenses of the customs service;
- (b) The administrative expenses of the Joint Economic Board;
- (c) The financial obligations of the Administration of Palestine consisting of:
 - (i) The service of the outstanding public debt,
 - (ii) The cost of superannuation benefits, now being paid or falling due in future.

After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5% and not more than 10% to the City of Jerusalem and the residue in equal proportion to the Jewish and Arab States. After a period of three years, the division shall be reviewable by the Joint Economic Board which shall make such modifications as may be deemed necessary.

All international conventions and treaties affecting customs tariffs, communications and commercial matters generally, shall be entered into by both States.

2. Freedom of Transit and Visit

The Treaty shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each State and the City shall control residence within their borders.

3. Termination, Modification and Interpretation of Treaty

The Treaty shall remain in force for a period of ten years, and it shall continue in force until notice of termination to take effect two years thereafter is given by either of the parties and such termination /assented

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

assented to by the General Assembly of the United Nations. (1)

During the initial ten-year period, the Treaty may not be modified except by consent of both parties and with the approval of the General Assembly. (2)

Any dispute relating to the application or the interpretation of the Treaty shall be referred, at the request of either Party, to the International Court of Justice, unless the parties agree to another mode of settlement.

E. Assets

The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Immovable assets shall become the property of the government in the territory of which they are situated.

F. Admission to Membership in the United Nations

Upon the recognition of the independence of the Arab and Jewish States, respectively, sympathetic consideration should be given to their application for admission to membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations.

A COMMENTARY ON PARTITION

The primary objectives sought in the foregoing scheme are, in short, political division and economic unity: to confer upon each group, Arab and Jew, in its own territory, the power to make its own laws, while preserving to both, throughout Palestine, a single integrated economy, admittedly essential to the well-being of each, and the same territorial freedom of movement to individuals as is enjoyed today. The former necessitates a territorial partition; the latter, the maintenance of unrestricted commercial relations between the States, together with a common administration of functions in which the interests of both are in

/fact

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

⁽¹⁾ A number of members of the Committee held the view that, at the end of the ten-year period, parties should be free to terminate the Treaty without the interference of the General Assembly.

⁽²⁾ A number of members of the Committee proposed to add here: "Thereafter modifications may be made by agreement of the two States but no such modification shall remove from the Treaty any of the objectives of the Economic Union without the assent of the General Assembly of the United Nations.

fact inextricably bound together.

The territorial division with the investment of full political power in the State achieves, in turn, the desire of each for statehood and at the same time creates a self-operating control of immigration. Although free passage between the States for all residents is provided, each State retains exclusive authority over the acquisition of residence and this, with its control over land, will enable it to preserve the integrity of its social organization.

The Economic Union is to be administered by a Joint Economic Board in the composition of which a parity of interest in the two States is recognized by equal representation from them. But in relation to such necessary and convenient services day to day rulings are imperative; and since in present circumstances it cannot be expected that in joint matters they would easily agree, the principle of arbitral decision is introduced by adding to the Board three independent outside persons to be chosen by the United Nations. It is obvious that while such a device is an accepted mode of adjusting economic disputes, it would be unacceptable as a general method of making political decisions. This limits therefore the functions with which the Board can be clothed and confines them to such neutral services as communications or to a function which, though carrying a political quality, is dictated by the necessities of the overriding interest of unity.

In these respects the scheme may be contrasted with that of the federal State presented by three members of the Committee. In the latter, paramount political power, including control over immigration, is vested at the center; but the attempt to introduce parity through equal representation in one chamber of the legislature is mullified by the predominance of Arab majority influence in the ultimate decision. But even were an independent element to be introduced, the administration would break down because of the wide political field in which it would operate. If that field were reduced to the subjects dealt with by the Board under the Economic Union scheme, apart from the question of majority determination, the difference in substance between the two plans would lie in the failure of the federal scheme to satisfy the aspirations of both groups for independence.

copyRight of the Public RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference: FO 371 61877

The Arab State will organize the substantial majority of Arabs in Palestine into a political body containing an insignificant minority of Jews; but in the Jewish State there will be a considerable minority of Arabs. That is the demerit of the scheme; but such a minority is inevitable in any feasible plan which does not place the whole of Palestine under the present majority of the Arabs. One cannot disregard the specific purpose of the Mandate and its implications nor the existing conditions, and the safeguarding of political, civil and cultural rights provided by the scheme are as ample as can be devised.

But in the larger view here are the sole remaining representatives of the Semitic race. They are in the land in which that race was cradled. There are no fundamental incompatibilities between them. The scheme satisfies the deepest aspiration of both, independence. There is a considerable body of opinion in both groups which seeks the course of cooperation. Despite, then, the drawback of the Arab minority, the setting is one from which, with good will and a spirit of cooperation, may arise a rebirth in historical surroundings of the genius of each people. The massive contribution made throughout the centuries by them in religious and ethical conceptions, in philosophy, and in the entire intellectual sphere, should excite among the leaders a mutual respect and a pride in their common origin.

The Jews bring to the land the social dynamism and scientific method of the West; the Arabs confront them with individualism and intuitive understanding of life. Here then, in this close association, through the natural emulation of each other, can be evolved a synthesis of the two civilizations, preserving, at the same time, their fundamental characteristics. In each state, the native genius will have a scope and opportunity to evolve into its highest cultural forms and to attain its greatest reaches of mind and spirit. In the case of the Jews, that is really the condition of survival. Palestine will be kept one land in which Semitic ideals may pass into realisations.

At the same time there is secured, through the constitutional position of Jerusalem and the Holy Places, the preservation of the scenes of events in which also the sentiments of Christendom center. There will thus be imposed over the whole land an unobjectionable interest in the adherents of all three religions throughout the world, and so secured, this unique and historical land may at last cease to be the arena of human strife.

Whether, however, these are wair a eculations must await the future. If they are never realized, it will not, it is believed, be because of defects in the machinery of government that is proposed to them.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

PART II

BOUNDARIES

Definition

The plan envisages the division of Palestine into 3 parts: an Arab State, a Jewish State and the City of Jerusalem. The proposed Arab State will include western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. The proposed Jewish State will include eastern Galilee, the Esdraelon plain, most of the Coastal Plain, and the whole of the Beersheba sub-district, which includes the Negeb.

The three sections of the ^rab State and the three sections of the Jewish State are linked together by two points of intersection, of which one is situated south-east of Afula in the sub-district of Nazareth and the other north-east of El Majdal in the sub-district of Gaza.

The Arab State -

Western Galilee is bounded on the west by the Mediterranean and in the north by the frontier of the Lebanon from Ras en Naqura to Qadas; on the east the boundary starting from Qadas passes southwards, west of Safad to the south-western corner of the Safad sub-district; thence it follows the western boundary of the Tiberias sub-district to a point just east of Mount Tabor; thence southwards to the point of intersection south-east of Afula mentioned above. The south-western boundary of Western Galilee takes a line from this point, passing south of Nazareth and Shafr Amr, but north of Beit Lahm, to the coast just south of Acre.

The boundary of the hill country of Samaria and Judea starting on the Jordan River south-east of Beisan follows the northern boundary of the Samaria district westwards to the point of intersection south-east of Aftha, thence again westwards to Lajjun, thence in a south-western direction, passing just west of Tulkarm, east of Qalqilia and west of Majdal Yaba, thence bulging westwards towards Rishon-le-Zion so as to include Lydda and Ramle in the Arab State, thence turning again east
/wards to a point

wards to a point west of Latrun, thereafter following the northern side of the Latrun-Majdal road to the second point of intersection, thence south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, thence following the southern boundary of the Hebron sub-district to the Dead Sea.

The Arab section of the coastal plain runs from a point a few miles north of Isdud to the Egyptian frontier extending inland approximately eight kilometers.

The Jewish State -

The north-eastern sector of the proposed Jewish State (Eastern Galilee) will have frontiers with the Lebanon in the north and west and with Syria and Transjordan on the east and will include the whole of the Huleh basin, Lake Tiberias and the whole of the Beisan sub-district. From Beisan the Jewish State will extend northwest following the boundary described in respect of the Arab State.

The Jewish sector on the coastal plain extends from a point south of Acre to just north of Isdud in the Gaza sub-district and includes the towns of Haifa, Tel-Aviv and Jaffa. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area includes the whole of the Beersheba sub-district, which includes the Negeb and the eastern part of the Gaza sub-district south of the point of intersection. The northern boundary of this area, from the point of intersection, runs south-eastwards to a point on the Hebron sub-district boundary south of Qubeiba, thence follows the southern boundary of the Hebron sub-district to the Dead Sea.

The City of Jerusalem -

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem.

<u>Justification</u>

In making its proposal for a plan of partition with economic union for Palestine the members of the Committee supporting this plan are fully aware of the many difficulties of effecting a satisfactory division /of Palestine into

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

of Palestine into a Jewish and an Arab State. The main problems to be faced are the following:

1. The Problem of Minorities

The central inland area of Palestine includes a large Arab population and, leaving Jerusalem out of account, practically no Jews. This obviously is the main starting point in demarcating a possible Arab State. Further north, particularly in western Galilee, and separated from the central area by a narrow belt of Jewish settlements, is another concentration of Arabs and very few Jews. These two areas form the main territory of an Arab State which has only a very small minority of Jews.

The Jewish State, on the other hand, has its centre and starting point in the coastal plain between Haifa and Tel Aviv and even in this area there is also a considerable number of Arabs. Extensions of this area in the most suitable directions to include a larger number of Jews as well as a larger land area, increase the proportion of Arabs to Jews in the Jewish State.

2. The Problem of Viability

The creation of two viable States is considered essential to a partition scheme.

3. The Problem of Development

A partition scheme for Palestine must take into account both the claims of the Jews to receive immigrants and the needs of the Arab population which is increasing rapidly by natural means. Thus, as far as possible, both partitioned States must leave some room for further land settlement.

4. The Problem of Contiguity

It is obviously desirable to create States with continuous frontiers. Due to geographic and demographic factors it is impossible to make a satisfactory partition without sacrificing this objective to some extent.

5. Access to the Sea for the Arab State

Even within the scheme for Economic Union this is considered to be important for psychological as well as material reasons.

In solving this complex of problems a compromise is necessary and in suggesting the boundaries upon which this partition scheme rests all these /matters

3() O O ()		- - -	- ~	- - -	-	-	_
これの かん これの これ	Reference:	•	g		<u>u</u>	~	

matters have been given serious consideration so that the solution finally reached appears to be the least unsatisfactory from most points of view.

The figures given below of the distribution of the settled population in the two proposed States are estimated on the basis of official figures up to the end of 1946 and are approximately as follows:(1)

	Jews	Arabs and others	Total
The Jewish State	500,000	416,000	916,000
The Arab State	8,000	715,000	723,000
City of Jerusalem	100,000	106,000	206,000

in addition there will be in the Jewish State about 90,000 Bedouins, cultivators and stock owners who seek grazing further afield in dry seasons.

The proposed Jewish State leaves considerable room for further development and land settlement and, in meeting this need to the extent it has been met in these proposals, a very substantial minority of Arabs is included in the Arab State, providing it with some areas for further development and also giving it an outlet to the sea at the town of Acre. An outlet to the sea is also provided in the south by the inclusion of Gaza in the Arab State.

Nearly all previous attempts to draw partition maps for Palestine have been faced with the separation of the solid Arab population in Judea and Samaria from the Arab population in Galilee. To include the whole of Galilee in a Jewish State provides contiguous frontiers but it also results in the inclusion of the large Arab population in western Galilee in the Jewish State and weakens the Arab State economically and politically by denying to it a developed Arab area. In the present partition scheme these problems have been solved by a definition of boundaries which provides two important links, one between western Galilee and Samaria and one in the south near Gaza. These links are at suitable meeting places of the frontiers and would consist of a small unbuilt area which would be a condominium. By this means it has been possible to include western

/Galilee

⁽¹⁾ According to the Government of Palestine, the total Jewish population in July 1947 was 625,000. In addition, there may be a number of illegal unregistered immigrants not included in this total.

Galilee in the Arab state without the disadvantage of its being separated at all points from Samaria by the territory of the Jewish State.

The inclusion of the whole Beersheba Sub-District in the Jewish State gives to it a large area, parts of which are very sparsely populated and capable of development, if they can be provided with water for irrigation. The experiments already carried out in this area by the Jews suggest that further development should be possible by heavy investment of capital and labour and without impairing the future or prejudicing the rights of the existing Bedouin population. The Negeb south of latitude 31, though included in the Jewish State, is desert land of little agricultural value but is naturally linked with the northern part of the Sub-District of Beersheta.

Jaffa, which has an Arab population of about 70,000, is entirely Arab except for two Jewish quarters. It is contiguous with Tel Aviv and would either have to be treated as an enclave or else be included in the Jewish State. On balance, and having in mind the difficulties which an enclave involves, not least from the economic point of view, it was thought better to suggest that Jaffa be included in the Jewish State, on the assumption that it would have a large measure of local autonomy and that the port would be under the administration of the Economic Union.

The Problem of Viability

On this question the Secretariat has prepared a technical note which is as follows:-

A TECHNICAL NOTE ON THE VIABILITY OF THE PROPOSED PARTITION STATES

Prepared by the Secretariat

"On certain assumptions it may be possible in a given case to calculate roughly the order of magnitude of the loss or gain of revenue which an area might experience as a result of partition. Similar estimates might be made of expenditures necessary to maintain existing standards of social services and other normal budget expenditures, and a comparison of the two sets of figures would throw some light on the ability of the State in question to maintain these standards without large budget deficits. It should, of course, be made quite clear that this would not be in any sense a measure of an actual budgetary position, but merely a general indication of the probability of the viability or non-viability of the area under consideration.

In the case of the plan for the partition of Palestine recommended in this Report, as well as in the case of all previous partition plans which have been suggested, it is the viability of the Arab State that is in doubt. It is necessary, therefore, to examine the proposed Arab State from this point of view as carefully as conditions permit. Until the proposed boundaries are precisely defined, however, it would not be possible to assemble accurate information regarding the area. Therefore, in order to get a preliminary idea of viability as we have defined it of the proposed Arab State a calculation was made in respect of the areas which it had been proposed should become arab provinces in the provincial autonomy plan elaborated by the government of the United Kingdom in 1946. Fairly complete statistics were available in regard to this particular plan of partition. As it happens, though the partition proposed by the members of this Committee differs in some very important respects from the provincial autonomy plan of the British Government, the area of the proposed Arab State is not very different in the two cases and in regard to actual resources the differences are not very marked. The most important difference is in respect of the town of Jaffa, which in the British plan is part of the Arab State and in the present plan is part of the Jewish State. The estimated total population of the Arab States in the two cases is as follows:

British Provincial autonomy plan

830,000

Committee's proposed plan

730,000

The difference is mainly accounted for by the town of Jaffa which has about 70,000 Arabs. Apart from the town of Jaffa there are no important differences in economic resources of the Arab areas in the two plans.

The calculation has been made as follows: The budget estimates of the Palestine Administration for the year 1947/48 both as regards revenue and expenditure have been taken as the sole basis of the calculation. Assuming the boundaries of the British scheme mentioned above the expenditures have been partitioned between the States on a population basis. Some expenditure has been reserved to a central body on the assumption that a customs union would be set up and that certain obligations for public debt and pensions would be met as charges on surplus revenue. Apart from this and a few small items, all the expenditure of the present Administration has been hypothetically divided among the States. This procedure is open to the objection that in fact in a

221

O 371 61877

PUBL I C

RECORD OFFICE,

/partitioned State

partitioned State the items of expenditure might be different. This is true, but it must be remembered that it cannot be known how such States would develop their policy and our present-assumption is that the same standard of public services is maintained. Actually there would be some increase in overhead expenditure in providing the same services in a partitioned Palestine since partitioning would involve some duplication of administration. The difference on this account might not be very great, however.

No expenditure has been allocated to defense since the costs of external defense are at present borne by the British Government, and expenditure for internal security, which is LP. 7 millions in the present estimates, has been added to the expenditures of the States in the present calculation.

The estimates of revenue for the year 1947/48 have, with the exception of customs revenue and net income from the Currency Board, Posts and Telegraph etc., been attributed to the different States on a territorial basis. In respect of land tax, animal tax, and about 75% of income tax, it is possible, on figures supplied by the Palestine Government, to make this division fairly accurately. In other cases it has been necessary to use an arbitrary assumption that the revenue would be in proportion to the population.

The summary results of this calculation are as follows:-

Jewish State	Revenue (apart from customs) Expenditure Deficit	LP 4,878,000 8,418,000 3,540,000
Arab State	Revenue (apart from customs) Expenditure Deficit	1,560,000 9,324,000 7,764,000
City of Jerusalem	Revenue (apart from customs) Expenditure Deficit	1,098,000 3,004,000 1,906,000
Combined Deficit Net Revenue of Custo	ms and other joint services	13,210,000

The net revenue of joint services is available for distribution between the two States and the City of Jerusalem but falls short of the combined deficits by just over one and a quarter million pounds. This, however, is not important in the present discussion since it is merely the consequence of basing the calculations on the actual estimates of the present Palestine Administration. It should be noted that in the present administrative budget there are expenditures of LP 7 millions on police and security and about LP 2 millions on subsidies designed to keep the cost of living down. Police expenditure should certainly be substantially reduced in the event of a settlement of the Palestine problem, and it is also possible that some saving could be made in regard to food subsidies since the necessity for them would be less in an Arab State which would contain a large number of self-sufficient cultivators and relatively few industrial wage earners. In this case the expenditure attributed to the Arab State on this basis might be capable of reduction by as much as LP 3 millions. Reductions on police expenditure should, of course, be also possible for the other two areas. On the side of revenue it is possible that income tax yields could be increased in the area of the proposed Arab State."

It is in the light of these considerations that the members of the Committee in proposing their partition scheme with economic union have

made their particular recommendations for the distribution of the customs revenue. By this means the members of the Committee supporting the partition plan believe that the viability of the Arab State could be reasonably assured.

The Committee is satisfied that, in the sense defined, the proposed Jewish State and the City of Jerusalem would be viable.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

CITY OF JERUSALEM

JUSTIFICATION

- 1. The proposal to place the City of Jerusalem under international trusteeship is based on the following considerations:
- 2. Jerusalem is a Holy City for three faiths. Their shrines are side by side; some are sacred to two faiths. Hundreds of millions of Christians, Moslems and Jews throughout the world want peace and especially religious peace to reign in Jerusalem, the sacred character of its Holy Places to be preserved, access to them guaranteed to pilgrims from abroad.
- 3. The history of Jerusalem, during the Ottoman regime as under the Mandate, shows that religious peace has been maintained in the City because the Government was anxious and had the power to prevent controversies involving some religious interest from developing into bitter strife and disorder. The Government was not intimately mixed in local politics and could, when necessary, arbitrate conflicts.
- 4. Religious peace in Jerusalem is necessary for the maintenance of peace in the Arab and in the Jewish States. Disturbances in the Holy City would have far-reaching consequences, extending perhaps beyond the frontiers of Palestine.
- 5. The application of the provisions relating to the Holy Places, religious buildings and sites in the whole of Palestine would also be greatly facilitated by the setting up of an international authority in The Governor of the City would be empowered to supervise the application of such provisions and to arbitrate conflicts in respect of the Holy Places, religious buildings and sites.
- 6. The International Trusteeship System is proposed as the most suitable method of meeting the special problems presented by Jerusalem, for the reason that the Trusteeship Council, as a principal organ of the United Nations, affords a convenient and effective means of ensuring both the desired international supervision and the political, economic and social well-being of the population of Jerusalem.

ರಾ ∞ ~

PUBL I C RECORD OFFICE,

RECOMMENDATIONS

- 1. The City of Jerusalem shall be placed under an International Trusteeship System by means of a Trusteeship Agreement which shall designate the United Nations as the Administering Authority in accordance with Article 81 of the Charter of the United Nations.
- 2. The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which to be Abu Dir; the most southern Bethlehem; the most western Ein Karim and the most northern Shu'fat, as indicated on the attached sketch-map.
- 3. The Trusteeship Agreement in respect of the Holy Places, religious buildings and sites, and minorities shall contain provisions similar to those contained in Chapters I and II of the Declaration in the Plan of Partition with Economic Union. It shall also include inter alia the provisions set forth below:
 - (1) The City of Jerusalem shall be demilitarized and its neutrality shall be declared and preserved and no paramilitary formations, exercises or activities shall be permitted within its borders.
 - (2) Persons residing in the City of Jerusalem, without distinetion as to ethnic origin, sex, language or religion, shall be ensured protection under its laws with regard to the enjoyment of human rights and fundamental freedoms, including freedom of worship, language, speech and publication, education, assembly and association.
 - (3) Residents of the City of Jerusalem, irrespective of nationality, may participate in the local elections of the City and they shall be subject to the jurisdiction of the City in respect of taxation and judicial proceedings.
 - (4) A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council. He shall be neither Arab nor Jew nor a citizen of the Palestine States nor, at the time of appointment, a resident of the City of Jerusalem.
 - 5) In addition to the Governor, there shall be such other executive, legislative and judicial organs, bodies and /offices

offices for the government of the City as may be determined in the Trusteeship Agreement.

- The Governor, as chief administrative official of the City, shall be responsible, in such manner as the Trusteeship Agreement shall prescribe, for the conduct of the administration of the City. With relation to the Holy Places, religious buildings and sites in any part of Palestine, other than the City of Jerusalem, he shall determine whether the provisions of the constitution of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected. The protection of all such places, buildings and sites located in the City of Jerusalem shall be a special concern of his office. He shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different communities in respect of such Holy Places, religious buildings and sites in any part of Palestine.
- (7) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-cooperation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.
- (8) The City of Jerusalem shall guarantee free transit and visit to residents of the Arab and Jewish States in Palestine, subject only to security considerations.
- (9) The protection of the Holy Places, religious buildings and sites in the City of Jerusalem shall be entrusted to a special police force, the members of which shall be recruited outside of Palestine and shall be neither Arab nor Jew. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this special force.
- (10) The City of Jerusalem should be included in the Economic Union of Palestine.

CHAPTER VII.

RECOMMENDATIONS (III)

- 1. In the course of the informal meetings of the Committee to explore solutions, a working group on the federal state proposal was set up, consisting of Sir Abdur Rahman, Mr. Entezam, Mr. Simic, and Mr. Atyeo.
- 2. The Working Group on the Federal State Solution formulated a comprehensive proposal along these lines which was voted upon and supported by three members (India, Iran, and Yugoslavia) at the forty-seventh meeting of the Committee on 27 August 1947.
 - 3. The Federal State Plan is herewith reproduced.

FEDERAL STATE PLAN

Justification for the Federal State Solution

- 1. It is incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general.
- 2. It is recognized that Palestine is the common country of both indigenous Arabs and Jews, that both these peoples have had an historic association with it and that both play vital roles in the economic and cultural life of the country.
- 3. This being so, the objective is a dynamic solution which will ensure equal rights for both Arabs and Jews in their common state, and which will maintain that economic unity which is indispensable to the life and development of the country.
- 4. The basic assumption underlying the views herein expressed is that the proposal of other members of the Committee for a union under artificial arrangements designed to achieve essential economic and social unity after first creating political and geographical disunity by partition, is impracticable, unworkable, and could not possibly provide for two reasonably viable states.
- 5. Two basic questions have been taken into account in appraising the feasibility of the federal state solution, viz., (a) whether Jewish nationalism and the demand for a separate and sovereign /Jewish state

Jewish state must be recognized at all costs, and (b) whether a will to cooperate in a federal state could be fostered among Arabs and Jews. To the first, the answer is in the negative, since the well-being of the country and its peoples as a whole is accepted as outweighing the aspirations of the Jews in this regard. To the second, the answer is in the affirmative, as there is a reasonable chance, given proper conditions, to achieve such cooperation.

- 6. It would be a tragic mistake on the part of the international community not to bend every effort in this direction. Support for the preservation of the unity of Palestine by the United Nations would in itself be an important factor in encouraging cooperation and collaboration between the two peoples and would contribute significantly to the creation of that atmosphere in which the will to cooperate can be cultivated. In this regard, it is realized that the moral and political prestige of the United Nations is deeply involved.
- 7. The objective of a federal state solution would be to give the most feasible recognition to the nationalistic aspirations of both Arabs and Jews and to merge them into a single loyalty and patriotism which would find expression in an independent Palestine.
- cratic solution, both as regards the measures required for its implementation and in its operation, since it requires no undemocratic economic controls, avoids the creation of national minority groups, and affords an opportunity for full and effective participation in representative government to every citizen of the state. This solution would be most in harmony with the basic principles of the Charter of the United Nations.
- 9. The federal state solution would permit the development of patterns of government and social organization in Palestine which would be more harmonious with the governmental and social patterns in the neighbouring states.

 /10. Such

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

10. Such a solution would be the one most likely to bring to an end the present economic boycotts to the benefit of the economic life of the country.

ll. Future peace and order in Palestine and the Near East generally will be vitally affected by the nature of the solution decided upon for the Palestine question. In this regard it is important to avoid an acceleration of the separatism which now characterizes the relations of Arabs and Jews in the Near East, and laying the foundations of Adangerous irredentism there, which would be the inevitable consequences of partition in whatever form. A federal state solution, therefore, which in the very nature of the case must emphasize unity and cooperation, will best serve the interests of peace.

12. It is a fact of great significance that very few, if any, Arabs, are in favour of partition as a solution. On the other hand, a substantial number of Jews, backed by influential Jewish leaders and organizations, are strongly opposed to partition. Fartition both in principle and in substance can only be regarded as an anti-Arab solution. The federal state, however, cannot be described as an anti-Jewish solution. To the contrary, it will best serve the interests of both Arabs and Jews.

13. A federal state would provide the greatest opportunity for ameliorating the present dangerous racial and religious divisions in the population, while permitting the development of a more normal social structure.

14. The federal state is the most constructive and dynamic solution in that it eschews an attitude of resignation toward the question of the ability of Arabs and Jews to cooperate in their common interest in favour of a realistic and dynamic attitude, namely that under changed conditions the will to cooperate can be cultivated.

/15. A basis

the Arab and Jewish communities is not impossible is found in the fact that even under the existing highly unfavourable conditions, the Committee did observe in Palestine instances of effective and fruitful cooperation between the two communities.

is to be found in the two groups under present conditions, it is entirely possible that if a federal solution were firmly and definitively imposed, the two groups, in their own self-interest, would gradually develop a spirit of cooperation in their common state. There is no basis for an assumption that these two peoples cannot live and work together for common purposes once they realize that there is no alternative. Since under any solution large groups of them would have to do so, it must either be taken for granted that cooperation between them is possible or it must be accepted that there is no workable solution at all.

17. Taking into account the limited area evailable and the vital importance of maintaining Palestine as an economic and social unity, the federal state solution seems to provide the only practical and workable approach.

RECOMMENDATIONS

The undersigned representatives of India, Iran and Yugoslavia, not being in agreement with the recommendation for partition formulated by the other members of the Committee, and for the reasons, among others, stated above, present to the General Assembly the following recommendations which, in their view, constitute the most suitable solution to the problem of Palestine.

I. The Independent State of Palestine

IT IS RECOMMENDED THAT

1. The peoples of Palestine are entitled to recognition of their right to independence and an independent federal state of Palestine /shall

shall be created following a transitional period not exceeding three years.

- 2. With regard to the transitional period, responsibility for administering Palestine and preparing it for independence under the conditions herein prescribed shall be entrusted to such authority as may be decided upon by the General Assembly.
- 3. The independent federal state of Palestine shall comprise an Arab state and a Jewish state.
- 4. In delimiting the boundaries of the Arab and Jewish states, respectively, consideration shall be given to anticipated population growth.
- shall be elected by the population of Palestine which shall formulate the constitution of the independent federal state of Palestine. The authority entrusted by the General Assembly with responsibility for administering Palestine during the transitional period shall convene the constituent assembly on the basis of electoral provisions which shall ensure the fullest possible representation of the population, provided that all adult persons who have acquired Palestinian citizenship as well as all Arabs and Jews who, though non-citizens, may be resident in Palestine and who shall have applied for citizenship in Palestine not less than three months before the date of the election, shall be entitled to vote therein.
- 6. The attainment of independence by the independent federal state of Palestine snall be declared by the General Assembly of the United Nations as soon as the authority administering the territory shall have certified to the General Assembly that the constituent assembly referred to in the preceding paragraph has adopted a constitution incorporating the provisions set forth in Chapter II below.

/II. Outline

II. Outline of the Structure and Required Provisions in the Constitution of Palestine

(The provisions set forth in this chapter are not designed to be the constitution of the new independent federal state of Palestine. The intent is that the constitution of the new state, as a condition for independence, shall be required to include, inter alia, the substance of these provisions.)

IT IS RECOIMENDED THAT

As a condition prior to the grant of independence, the constitution of the proposed independent federal state of Palestine shall include, in substance, the following provisions:

- 1. The governmental structure of the independent federal state of Palestine shall be federal and shall comprise a federal government and the governments of the Arab and Jewish states respectively.
- 2. Among the organs of government there shall be a head of state and an executive body, a representative federal legislative body, a federal court and such other subsidiary bodies as may be deemed necessary.
- 3. The federal legislative body shall be composed of two chambers.
- 4. Election to one chamber of the federal legislative body shall be on the basis of proportional representation of the population as a whole.
- 5. Election of members to the other chamber of the federal legislative body shall be on the basis of equal representation of the Arab and Jewish citizens of Palestine.
- 6. The federal legislative body shall be empowered to legislate on all matters entrusted to the federal government.
- 7. Legislation shall be enacted when approved by rajority votes in both chambers of the federal legislative body.
- 8. In the event of disagreement between the two chambers with regard to any proposed legislation, the issue shall be submitted / to an

1/10.13/82 Page 153

to an arbitral body which shall be composed of one representative from each chamber of the federal legislative body, the head of state, and two members, other than members of the federal court, designated by that court for this purpose, which members shall be so designated by the court with regard to Arabs and Jews as to ensure that neither the Arab nor the Jewish community shall have less than two members on the arbitral body. This arbitral body shall first attempt to resolve the disagreement by mediation, but in the event mediation fails the arbitral body shall be empowered to make a final decision which shall have the force of law and shall be binding.

- 9. The head of the independent federal state of Palestine shall be elected by a majority vote of the members of both chambers of the federal legislative body sitting in a joint meeting convened for this purpose, and shall serve for such term as the constitution may determine.
- 10. The powers and functions of the head of the independent federal state of Palestine shall be as determined by the constitution of that state.
- II. A deputy head of state shall be similarly elected, who shall be a representative of the community other than that with which the head of state provided for in Article 9 above is identified. The deputy head of state in his regular activities and during the absence of the head of state, for whom he shall act, shall exercise such powers as may be delegated to him by the head of state, and he shall also act with full powers, for the head of state in case of his incapacity, or following his death, pending the election of a new head of state.
- 12. The executive branch of the federal government shall be responsible to the federal legislative body.
- 13. A federal court shall be established which shall be the final court of appeal with regard to constitutional matters.

RECORD OFFICE,

/14. The

../..C.13/82 Pare 154

14. The federal court shall have a minimum membership of four Arabs and three Jews.

- 15. The members of the federal court shall be elected at a joint session of both chambers of the federal legislative body for such terms and subject to such qualifications as the constitution may prescribe.
 - 16. The federal court shall be empowered to decide
 - (a) whether laws and regulations of the federal and state governments are in conformity with the constitution;
 - (b) cases involving conflict between the laws and regulations of the federal government and laws and regulations of the state governments;
 - (c) all other questions involving an interpretation of the constitution; and
 - (d) such other matters as may be placed within its competence by the constitution.
 - 17. All decisions of the federal court shall be final.
- 18. Full authority shall be vested in the federal government with regard to national defense, foreign relations, immigration, currency, taxation for federal purposes, foreign and inter-state waterways, transport and communications, copyrights and patents.
- 19. The constitution shall forbid any discriminatory legislation, whether by federal or state governments, against Arabs, Jews or other population groups, or against either of the states; and shall guarantee equal rights and privileges for all minorities, irrespective of race or religion.
- 20. The constitution, having regard for the customs of the people, shall be based on the principle of the full equality of all citizens of Palestine with regard to the political, civil and religious /rights of the

rights of the individual, and shall make specific provision for the protection of linguistic, religious, and ethnic rights of the peoples and respect for their cultures.

21. The constitution shall include specific guarantees respecting freedom of conscience, speech, press and assemblage, the rights of organized labour, freedom of movement, freedom from arbitrary searches and seizures, and rights of personal property.

- 22. The constitution shall guarantee free access to Hely Places, protect religious interests, and ensure freedom of worship and of conscience to all, provided that the traditional customs of the several religions shall be respected.
- 23. Arabic and Hebrew shall be official languages in both the federal and state governments.
 - 24. The constitution shall include provisions which shall
 - (a) undertake to settle all international disputes in which the state may be involved by peaceful means
 - in such a manner that international peace and security, and justice, are not endangered; and
 - (b) accept the obligation of the state to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.
- 25. There shall be a single Palestinian nationality and citizenship, which shall be granted to Arabs, Jews and others on the basis of such qualifications and conditions as the constitution and laws of the federal state may determine and equally apply.
- 26. The Arab state and the Jewish state shall enjoy full powers of local self-government, and may institute such representative /forms of

forms of government, adopt such local constitutions and issue such local laws and regulations as they may deem desirable, subject only to the provisions of the federal constitution.

- 27. Each state government shall have authority, within its borders, over education, taxation for local purposes, the right of residence, commercial licenses, land permits, grazing rights, interstate migration, settlement, police, punishment of crime, social institutions and services, public housing, public health, local roads, agriculture and local industries, and such aspects of economic activities and such other authority as may be entrusted to the states by the constitution.
- 28. Each state shall be entitled to organize a police force for the maintenance of law and order.
- 29. The constitution shall provide for equitable participation of the representatives of both communities in delegations to international organizations and conferences, and on all boards, agencies, bureaus or ad hoc bodies established under the authority of the state.
- 30. The independent federal state of Palestine shall accept as binding all international agreements and conventions, both general and specific, to which the territory of Palestine has previously become a party by action of the Mandatory Power acting on its behalf. Subject to such right of denunciation as may be provided therein, all such agreements and conventions shall be respected by the independent federal state of Palestine.
- 31. The constitution shall make provision for its method of amendment, provided that it shall be accepted as a solemn obligation undertaken by the independent federal state of Palestine to the United Nations not to alter the provisions of any part of the constitution or the constitution as a whole in such manner as to nullify the provisions herein stated as a prior condition to independence, except by the assent of a majority of both the Arab and Jewish members of the federal legislative /body.

RECORD OFFICE, 61877 LON DON

body.

III. Boundaries of the Arab and Jewish States in the Independent Federal State of Palestine

IT IS RECOMMENDED THAT

The boundaries of the respective Arab and Jewish states in the independent federal state of Palestine shall be as indicated on the map attached to this report as annex I,

IV. Capitulations

IT IS RECOMMENDED THAT

The General Assembly of the United Nations shall invite all states whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulations or usage in the Ottoman Empire, to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the independent federal state of Palestine.

- V. The Holy Places, Religious Interests and Jerusalem
- A. Religious Interests and Holy Places

IT IS RECOMMENDED THAT

Since the Holy Places, buildings and sites appertaining to whatever religions and wherever located in Palestine must be recognized as of special and unique interest and concern to the international community, the following principles and measures should be fully safeguarded as a condition for the establishment of the independent federal state of Palestine.

1. Millions of Christians, Jews and Moslems abroad, as well as the inhabitants of Palestine, have a proper and recognized interest in the preservation and care of sites and buildings associated with the origin and history of their respective faiths. The sacred character of the Holy Places shall therefore be preserved and access to them for purposes of worship and pilgrimage shall be ensured in /accordance

accordance with existing rights.

- 2. In the interests both of the followers of various faiths and of the maintenance of peace, existing rights in Palestine enjoyed by the several religious communities shall be neither impaired nor denied.
- 3. The incorporation in the constitution of the independent federal state of Palestine of provisions of the nature proposed in the preceding paragraph are designed to substantially allay the anxiety which is manifested in many quarters concerning the future status of the Holy Places, religious buildings and sites and the preservation of the rights of the communities in Palestine following the establishment of an independent state of Palestine.
- for the settlement of disputes regarding religious rights is essential to the preservation of religious peace in replacement of the Palestinian administration which exercised such authority under the mandate. Specific stipulations designed to preserve and protect the Holy Places, religious buildings or sites and the rights of religious communities shall be inserted in the constitution of the independent federal state of Palestine and shall be in substance as follows:
 - a. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.
 - b. Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall
 be secured in conformity with existing rights and
 subject to the requirements of public order and
 decorum.
 - c. Holy Places and religious buildings or sites shall be preserved and no action shall be permitted which may in any way impair their sacred character.

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

Reference: FO 371 61877

/d./If at

- d. If at any time it should appear to the government of the independent federal state of Palestine or representations to that effect should be made to it by any interested party, that any particular Holy Place, religious building or site is in need of urgent repair, the government shall call upon the religious community or communities concerned to carry out such repair, and in the event no action is taken within a reasonable time the government itself may carry out the necessary repairs.
- e. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation under the law in force on the date on which independence shall be granted to the state of Palestine.
- 5. In the interest of preserving, protecting and caring for Holy Places, buildings or sites in Jerusalem, Bethlehem, Nazareth and elsewhere in Palestine, a permanent international body for the supervision and protection of the Holy Places in Palestine shall be created by the appropriate organ of the United Nations. A list of such Holy Places, buildings or sites shall be prepared by that organ.
- 6. The membership of the permanent international body for the supervision of Holy Places in Palestine shall consist of three representatives designated by the appropriate organ of the United Nations, and one representative from each of the recognized faiths having an interest in the matter, as may be determined by the United Nations.
- 7. The permanent international body referred to in paragraphs 5 and 6 above shall be responsible, subject to existing rights, for the supervision and protection of all such Places, buildings or sites in Palestine, and shall be empowered to make representations to the

/government

any matters affecting the Holy Places, buildings or sites or the protection of religious interests in Palestine, and to report on all such matters to the General Assembly of the United Nations.

B. <u>Jerusalem</u>

- 1. Jerusalem, which shall be the capital of the independent federal state of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish.
- 2. The Arab and Jewish municipalities of Jerusalem, which shall jointly comprise the city and capital of Jerusalem, shall, under the constitution and laws of the federal government, enjoy powers of local administration within their respective areas, and shall participate in such joint local self-governing institutions as the federal government may prescribe or permit, provided that equitable representation in such bodies is ensured to followers of such faiths as may be represented in the community.
- 3. The Arab and Jewish municipalities of Jerusalem shall jointly provide for, maintain and support such common public services as sewage, garbage collection and disposal, fire protection, water supply, local transport, telephones and telegraph.

C. Irrevocability of Provisions

The independent federal state of Palestine, irrespective of the provision made in paragraph 31 of Chapter II of these recommendations for amendment of the constitution, shall undertake to accept as irrevocable the above provisions affecting Holy Places, buildings or sites and religious interests.

VI. International Responsibility for Jewish Displaced Persons

1. The Jews in the DP camps and the distressed European Jews outside of them, like the other homeless persons of Europe, are a /residue

THE PUBLIC RECORD OFFICE,

6187

residue of the Second World War. As such, they are all an international responsibility. But the Jews amongst them have a direct bearing on the solution of the Palestine problem, in view of the insistent demands that they be permitted freely to enter that country, and the Arab fears that this permission will be granted.

- 2. Although the Committee's terms of reference would not justify it in devoting its attention to the problem of the displaced and homeless persons as a whole, it is entirely justified in recommending to the General Assembly a prompt amelioration of the plight of the Jewish segments of these groups as a vital prerequisite to the settlement of the difficult conditions in Palestine.
 - 3. Therefore, IT IS RECOMMENDED THAT

The General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews in and outside of the DP camps, of whom approximately 250,000 are in assembly centers, would be accepted as a special concern of extreme urgency, for the alleviation of the Palestine problem, and by means of which a number of those Members of the United Nations not already over-populated would accept within their borders a proportionate number of Jewish refugees, with Palestine accepting its share in accordance with the recommendation on Jewish immigration set forth in Chapter VII below.

VII. Jewish Immigration into Palestine

- 1. Jewish immigration into Palestine continues to be one of the central political questions of that country.
- 2. The solution of the problem of Palestine is rendered more difficult by the fact that large numbers of Jews, and especially the displaced and homeless Jews of Europe, insistently demand the right to settle there, on the basis of the historical association of the Jewish people with that country, and they are strongly supported in this demand by all of the Jews encountered by the Committee in Palestine.

- 3. It is a fact, also, that many of the Jews in Palestine have relatives among the displaced Jews of Europe who are eager to emigrate to Palestine.
- 4. While the problem of Jewish immigration is thus closely related to the solution of the Palestine question, it cannot be contemplated that Palestine is to be considered in any sense as a means of solving the problem of world Jewry. In direct and effective opposition to any such suggestion are the twin factors of limited area and resources and vigorous and persistent opposition of the Arab people, who constitute the majority population of the country.
- 5. For these reasons, no claim to a right of unlimited immigration of Jews into Palestine, irrespective of time, can be entertained. It follows, therefore, that no basis could exist for any anticipation that the Jews now in Palestine might increase their numbers by means of free mass immigration to such extent that they would become the majority population in Palestine.
 - 6. With these considerations in mind, IT IS RECOMMENDED THAT

The problem of Jewish immigration into Palestine be dealt with in the following manner:

a. For a period of three years from the effective date of the beginning of the transitional period provided for in the solution to be applied to Palestine, even if the transitional period should be less, Jewish immigration shall be permitted into the borders of the Jewish state in the proposed independent federal state of Palestine, in such numbers as not to exceed the absorptive capacity of that Jewish state, having due regard for the rights of the population then present within that state and for their anticipated natural rate of increase. The authority responsible for executing the transitional arrangements

/on behalf

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

1 2 3 4 5 6 Reference: FO 371 61877

on behalf of the United Nations shall take all measures necessary to safeguard these principles.

- b. For the purpose of appraising objectively the absorptive capacity of the Jewish state in the independent state of Palestine, an international commission shall be established whose membership shall consist of three representatives designated by the Arabs of Palestine, three representatives tives designated by the Jews of Palestine, and three representatives designated by the appropriate organ of the United Nations.
- mate the absorptive capacity of the Jewish state, and in discharging this responsibility may call upon the assistance of such experts as it may consider necessary.
- d. The estimates of the international commission, made in accordance with sub-paragraphs 6-a and 6-c shall be binding on the authority entrusted with the administration of Palestine, during the period referred to in sub-paragraph 6-a above.
- the period of three years, as provided for in Article 6-a above, and its functions and activities, other than those relating to its liquidation, shall automatically cease at the end of that period.
- f. Responsibility for organizing and caring for Jewish immigrants during the transitional period shall be placed in such representative local organization as the Jewish community of Palestine shall decide.
- e. Priority in the granting of Jewish immigration certificates during the transitional period shall be accorded /to orphans

COPYRIGHT OF THE PUBLIC RECORD OFFICE, LONDON

| 1 2 3 4 5 6 | Reference:- FO 371 61877

A/AC.13/82 Page 164

to orphans, survivors who are of the same family, close relatives of persons already in Palestine, and persons having useful scientific and technical qualifications.

CHAPTER VIII

RESERVATIONS AND OF SERVATIONS

- 1. Some delegates have reserved their position on a number of specific points or have wished to express particular points of view. These reservations and observations will be found in the Appendix to the Report.
- 2. The delegates making such reservations and observations, and the subjects on which they are recorded, are as follows:

The Delegate for Australia

1. Statement on attitude towards proposals in Chapters VI and VII.

The Delegate for Guatemala

1. Reservation on Recommendation XII of Chapter V.

The Delegate for India

- 1. Declaration on Independence.
- 2. Observations on the Mandate in its historical setting.
- 3. Declaration on form of government.
- 4. Declaration of reasons why partition cannot be accepted. The Delegate for Uruguay
 - 1. Reservation on Recommendation XII of Chapter V.
 - 2. Declaration on boundaries.
 - 3. Declaration on immigration.
 - 4. Declaration on religious interests.

The Delegate for Yugoslavia

- 1. Observations on historical background.
- 2. Appraisal of the Mandate.
- 3. Observations on the present situation.

i ii lii lii lii lii